



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

TAM NOTE 97-01

TRANSPORTATION ACQUISITION MANUAL NOTICE

DATE ISSUED: April 3, 1997

Transportation Acquisition Manual (TAM NOTE) 97-01 SUMMARY OF ITEMS

TAM NOTE 97-01 is issued under the authority of the Transportation Acquisition Manual (TAM) and unless otherwise specified, all material contained in this TAM NOTE is effective on the date issued. The TAM is hereby amended as specified below:

Item I--Streamlined policy formulation approach

Chapter 1201 has been modified to provide a streamlined approach to developing DOT acquisition policies and procedures by utilizing a new process which replaces the Transportation Acquisition Regulatory Council and eliminates the committee process. Other editorial changes were made primarily to align coverage with recent Departmental restructuring. It also establishes an order of precedence for the FAR, TAR, and TAM.

Replacement pages: TOC, 1201-1 thru 1201-15

Item II--New acronyms added

Chapter 1202 was changed to spell out the new acronyms used in the TAM.

Replacement pages: 1202-5 & 1202-6

Item III--Improper Business Practices and Personal Conflicts of Interest

Change the Table of Contents for TAM Chapter 1203 to add section 1203.104-470, Additional Definition, and delete subchapters 1203.4 and 1203.8 in their entirety. In the text of Chapter 1203, change 1203.104-4(1) to read 1203.104-470, Additional Definition, and delete contents of TAM Subchapter 1203.4 in its entirety.

Replacement pages: TOC, 1203-1 & 1203-2, 1203-5 thru 1203-8

Item IV--Administrative Matters

Deleted TAM Bulletin 94-05, DOT CIS and FPDS Contract Action Reports dated April 26, 1994; added Appendix D, Instructions for Preparing Standard Form 281, FPDS--Summary Contract Action Report and changed the report due date;; deleted the "SF-LLL, Disclosure of Lobbying Activities" report from Appendix A; changed the due dates for the Annual Procurement Plan; deleted the due dates for the Undefined Contract Action Report; and changed the place of delivery for the Value Engineering Report. The instructions for inputting data in the DOT Contract Information System will be reflected in a new Contract Information Users Guide now under development by M-61.

Replacement pages: TOC, 1204-1 thru 1204-10, 1204-15 & 1204-16, and Appendix D, Attachments 1, 2, and 3

Item V--Increases in approval authority when using other than full and open competition

The Fiscal Year 1996 Defense Authorization Act increased the approval authority for approving justifications for other than full and open competition. Accordingly, TAM 1206.304 was changed to reflect this increased authority. In addition, this section was changed to reflect the authority granted to the Administrator of the Federal Aviation Administration which is to be applied in accordance with Public Law 101-508. TAM 1206.571 was revised to remove outdated language.

Replacement pages: 1206-1 & 1206-2

Item VI--Implementation of FAR coverage on inherently governmental functions and changes the APP requirements

TAM 1207.503 implements FAR 7.103 and FAR 7.503 by providing procedures to ensure that no purchase request is initiated or contract awarded for functions that are inherently governmental. Increase the threshold for annual procurement plans (APP) to

\$100,000; requires all OAs to submit a copy of each APP and updates to S-40 (negative reports required); and changes the reporting dates for the APPs and updates to September 1 and April 1, respectively.

Replacement pages: TOC, 1207-1 thru 1207-2.1, 1207-5 & 1207-6

Item VII--Organization code change and FAR citation

Correct the organization name and code in TAM 1209.404(c)(5), to reflect the reorganization of M-48 and correct the FAR citation at TAM 1209.405-1 to read "9.405-1(a) and (c)" and 1209.506 to read "9.506(d)(3)".

Replacement pages: 1209-1 & 1209-2, 1209-5 & 1209-6

Item VIII--Simplified Acquisition Procedures

Change the Table of Contents and the text of TAM Chapter 1213, to delete 1213.106, 1213.106-1, 1213.203, 1213-203-1, 1213.505-1, and add 1213.506; change TAM Subchapter 1213.505 to delete 1213.505-1(a)(2), and delete 1213.505-3 and move its contents under TAM 1213.505; and make editorial changes in Appendices A, B, and C.

Replacement pages: TOC, 1213-1 thru 1213-6, 1213-9 & 1213-10, 1213-13 & 1213-14, 1213-71 thru 1213-78, 1213-83 & 1213-84

Item IX--TAM 1214.4, Opening of bids and award of contract

Corrected errors in the numbering of some subsections under 1214.4.

Replacement pages: TOC, 1214-1 thru 1214-3

Item X--Contracting by Negotiation

Deleted the "cost realism" definition from 1215.801 which is now in the FAR; changed and added exemptions to the requirement for an independent Government estimate; deleted 1215.805-5(c) and (d) to remove reference to DOT Order 8000.7 which is superseded by a Memorandum of Understanding (MOU) between DOT and the Defense Contract Audit Agency (DCAA); changed Appendix B to make it a model prenegotiation memorandum; deleted Appendix C, Pre/post-negotiation memorandum content requirements for acquisitions of \$100,000 or less; deleted reference to the Air Force Pricing Manual; and made the Appendix C price negotiation format optional.

Replacement pages: TOC, 1215-3 thru 1215-8, 1215-41 & 1215-42, 1215-47 & 1215-48, 1215-53 thru 1215-62

Item XI--Editorial Correction

Section 1216.506 was renumbered and paragraph (b) relettered to coincide with the FAR. The new cite is 1216.505(a)(4).

Replacement pages: TOC, 1216-1 & 1216-2

Item XII--Multiyear Contracting Authority

Chapter 1217 has been changed to clarify the authority for modifying FAR Subpart 1217.1. In addition, as part of our reinvention and streamlining initiatives, section 1217.204 was added to permit the chief of the contracting office to approve total contract periods greater than five years.

Replacement pages: TOC, 1217-1 thru 1217-2.1

Item XIII--Small Business Programs

Deleted Appendices A thru F which are outdated; corrected (under TAM 1219.7001) \$75,000 and \$500,000 to read \$100,000 and \$750,000, respectively, and discarded TAM Bulletin 93-08 dated July 30, 1993, Department of Transportation (DOT) Short Term Lending and Bonding Assistance Programs. Contracting officers are required to provide a copy of the first SF-294 and the original of each SF-295 to S-40.

Replacement pages: TOC, 1219-1 thru 1219-6

Item XIV--Administrative Changes

Correct the FAR citation at TAM 1222.406-2(b) to read "22.406-2(b)(2)".

Replacement pages: 1222-3 & 1222-4

Item XV--Foreign Acquisition

Change the Table of Contents and the text of TAM chapter 1225, to change the title of Subchapter 1225.4 to read "Trade Agreements," change TAM 1225.402(a)(1) to revise the dollar threshold for application of the Trade Agreements Act, delete Subchapter 1225.7 in its entirety, change the title of TAM 1225.901 to read "Omission of Audit Clause," and change 1225.901(c) to delegate the authority to the HCA.

Replacement pages: TOC, 1225-1 & 1225-2

Item XVI--Bonds and Insurance

Added 1228.203(g) to implement FAR.

Replacement pages: TOC, 1228-1 & 1228-2

Item XVII--Contract Financing

Change the Table of Contents and the text of TAM Chapter 1232, to change the title of Subchapter 1232.4 to read "Advance Payments for Non-Commercial Items," change section 1232.703-3(b) to delete the last sentence, add new Subchapter 1232.11, Electronic Funds Transfer, and new section 1232.1101-70, Policy, and delete 1232.9, 1232.903, 1232.904, 1232.908, and 1232.908-70.

Replacement pages: TOC, 1232-1 & 1232-2, 1232-5 & 1232-6

Item XVIII--Protests, Disputes, and Appeals

Change the Table of Contents and the text of TAM Chapter 1233, to delete 1233.105 and Appendix A in their entirety.

Replacement pages: TOC, 1233-1 & 1233-2

Item XIX--Construction and Architect-Engineer Contracting

Deleted 1236.201(c)(2); deleted the language at 1236.305 and reinstated it at 1236.212, Preconstruction orientation to align with the FAR.

Replacement pages: TOC, 1236-1 thru 1236-6

Item XX--Service Contracting

Change TAM section 1237.106(b) to delete the last sentence.

Replacement pages: 1237-1 & 1237-2

Item XXI--Contract Administration

Deleted reference to DOT Order 8000.7 which is superseded by a separate MOU between DOT and DCAA, and deleted 1242.205 and 1242.803(a).

Replacement pages: TOC, 1242-1 thru 1242-8

Item XXII--Quality Assurance

Deleted the subsection number 1246.601 but retained the text.

Replacement pages: TOC, 1246-1 & 1246-2

TAM 97-01 TAM FILING INSTRUCTIONS

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TOC, 1217-1 & 1217-2

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1222-3 & 1222-4

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Attachment 2, Attachment 3

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1232-5 & 1232-6

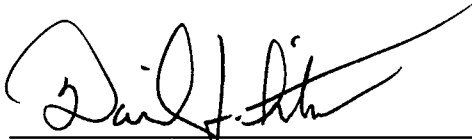
TOC, 1233-1 & 1233-2

TOC, 1236-1 thru 1236-6

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Senior Procurement Executive



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CHAPTER 1201

FEDERAL ACQUISITION REGULATIONS SYSTEM

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CHAPTER 1201

FEDERAL ACQUISITION REGULATIONS SYSTEM

SUBCHAPTER 1201.1- -PURPOSE, AUTHORITY, ISSUANCE

1201.101 Purpose.

The Department of Transportation Acquisition Manual (TAM) is issued by the Senior Procurement Executive (SPE), Office of Acquisition and Grant Management (OAGM). It establishes for the Department of Transportation (DOT) uniform internal operating acquisition procedures which implement or supplement the Federal Acquisition Regulation (FAR) and the Transportation Acquisition Regulation (TAR).

1201.103 Authority.

The TAM is issued pursuant to DOT Order 4200.18 series, Establishment of a Transportation Acquisition Manual.

1201.104 Applicability.

All acquisitions within the Department are to follow this manual unless otherwise excluded by the FAR, TAR, or this manual.

1201.105 Issuance.

1201.105-170 Publication of TAM.

This manual is issued in loose-leaf form and in floppy disk format.

1201.105-270 Arrangement of TAM.

(b) Numbering.

(1) This manual conforms with the arrangement and numbering system prescribed by (FAR) 48 CFR 1.104. The numbering illustrations at (FAR) 48 CFR 1.104-2(b) are equally applicable to this manual.

(2) TAM coverage is identified by the prefix "12" and followed by the complete TAM cite which may be down to the subparagraph level (e.g., TAM 1201.104-3).

(3) Coverage in the TAM that supplements the FAR will use chapter, subchapter, section and subsection numbers ending in "70" through "89" (e.g., TAM 1201.301-70).

(4) Coverage in the TAM, other than that identified with a "70" or higher number, that implements the FAR or TAR will use the identical number sequence and caption of the FAR or TAR segment being implemented which may be down to the subparagraph level (e.g., TAM 1201.602-3(a)).

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(c) *References and citations.* This manual may be referred to as the Transportation Acquisition Manual or the TAM. Cross reference to the FAR, TAR, or TAM in this manual will be cited by "FAR", "TAR", or "TAM" followed by its numbered cite.

1201.105-3 Copies.

(a) Loose-leaf copies of the TAR and TAM are distributed to DOT offices through the Utilization and Storage Section, M-443.2, 400 7th Street, S.W., Washington, DC, 20590; floppy disk copies of the TAR and TAM are distributed to DOT offices through the Acquisition Policy Division, M-61, 400 7th Street, S.W., Washington, DC, 20590. The TAR and TAM are available from the Government Printing Office.

(b) Requests for copies of the TAR and TAM for Departmental use must include the title of the document; quantity requested; the name, agency, routing symbol, and room number of the requestor; a 3-1/2" or 5-1/2" floppy disk (if requested in that format); and a completed mailing label for those requests outside the Nassif Building.

(c) The TAR and TAM distribution list is maintained by OAGM. OA requests for additions, deletions, or changes (including quantity changes) to this list shall be in writing and forwarded to OAGM, 400 7th Street, S.W., Washington, DC, 20590. Field offices are to coordinate any changes through their appropriate Headquarters office.

1201.106 OMB Approval Under the Paperwork Reduction Act. Prior to obligating funds and entering into a contractual agreement for information collection activities, the contracting officer shall obtain a clearance and approval from OMB. The SF-83, Request for OMB Review, shall be used to request OMB's review and approval. Operating administration (OAs) Paperwork Clearance Officers are available to assist in preparing the information collection justification for the SF-83.

(a) *Data collection under proposed contracts.* SF-83s must be forwarded to the Office of Information Resource Management, (M-31), for processing to OMB. Early coordination with Paperwork Clearance Officers and M-31 prior to release of the solicitation should prevent delays caused by the requirement to obtain OMB approval.

(b) *Data collection under TAR Supplements.* An SF-83, along with the calculations used to derive the numbers shown on the SF-83, shall be forwarded to the SPE along with the proposed TAR Supplement coverage (see TAM 1201.304) for coordination with M-31.

SUBCHAPTER 1201.2--ADMINISTRATION

1201.201 Maintenance of the FAR.

1201.201-70 Submission of suggested changes.

(a) Suggested changes to the FAR, TAR, and this manual shall be transmitted to the SPE after review and approval of the manager of the office requesting the

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I change (e.g. chief of the contracting office (COCO)). Those FAR recommended changes determined appropriate by the SPE will be forwarded by OAGM to the Civilian Agency Acquisition Council.

1201.202-70 Departmental compliance with the FAR, TAR, and TAM.

I The individuals within the Office of Acquisition and Grant Management (OAGM) having prime and backup responsibility for questions relating to the FAR, TAR, and TAM are found in Appendix A of this chapter.

SUBCHAPTER 1201.3--AGENCY ACQUISITION REGULATIONS

1201.301 Policy.

(a)(1) *Delegations of FAR and TAR procurement authority.* The following is applicable with respect to delegations of FAR and TAR procurement authority included in this manual:

(i) *Agency head delegations.* There are certain FAR and TAR functions which are non-delegable and reserved by the Secretary; these are indicated in the applicable chapters of this manual. Delegable functions have either been retained by the Office of the Secretary (OST) or have been assigned to the OAs. For delegable functions, the level indicated in the applicable chapter of this manual is the lowest organizational level to which a function may be redelegated.

(A) Higher or equivalent levels from those authorized by this manual may be specified by the Assistant Secretary for Administration or other cognizant OST official for those functions where the assigned level is within OST and by the head of the operating administration (HOA) or his/her designee if the assigned level is within the OAs.

(B) Lower organizational levels for FAR and TAR agency head functions must be authorized by the SPE (who will coordinate with other OST officials as deemed appropriate).

(C) Changes to the agency head delegations by the HOA, as discussed in subparagraph (A) above, shall be in writing and stored in a centralized location within the OAs. A copy of the delegation shall be submitted to the SPE within 30 days of issuance.

(ii) *Head of the contracting activity (HCA) functions.* There are certain FAR and TAR functions which are non-delegable and reserved for the HCA or equivalent organizational level; these are indicated in the applicable chapter of this manual. For delegable functions, compliance with the level indicated in the applicable chapter of this manual is required unless otherwise authorized by the HCA.

(A) Notwithstanding the above, the HOA or his/her designee at an organizational level equal to or above the HCA may retain both delegable and non-delegable functions assigned to the HCA.

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(B) Approved HCA functional delegations which are different from those specified in this manual shall be in writing and stored in a centralized location within the OA. A copy of the delegation shall be submitted to the SPE within 30 days of issuance.

(iii) Any other authorities of this manual besides those mentioned in (i) or (ii) above may be assigned to a higher level within the OA than that stipulated in this manual unless specified otherwise. Any authorities assigned or redelegated (e.g., approval of streamlined acquisition plans per TAM 1207.107-70(b)) pursuant to this subparagraph shall be in writing and stored in a centralized location within the OA. A copy of the assignment/redelegation shall be submitted to the SPE within 30 days of issuance.

(2) *Acquisition procedures.* The authority of the agency head under (FAR) 48 CFR 1.301(a)(2) has been delegated to the SPE.

(i) *Departmentwide acquisition procedures.* DOT internal operating procedures contained in this manual will be disseminated by OAGM to OAs.

(ii) *OA acquisition procedures.* Procedures necessary to implement or supplement the FAR, TAR, or this manual may be issued by the HCA, who may delegate this authority to any organizational level deemed appropriate. OA procedures may be more restrictive or require higher approval levels than those permitted by this manual unless specified otherwise.

(b) The authority of the agency head under (FAR) 48 CFR 1.301(b) is delegated to the Assistant General Counsel for Regulation and Enforcement (C-50).

1201.301-70 Amendment of TAM.

(a) Changes to this manual may be the result of internal DOT personnel, other Government agencies, or the public. These changes are to be submitted in the following format to the Office of Acquisition and Grant Management, 400 7th Street, S.W., Washington, D.C. 20590:

I. PROBLEM: State the problems created by the current language and describe the factual and/or legal reasons necessitating regulatory change.

II. RECOMMENDATION: Identify the recommended change by using the current language and lining through the words being deleted and inserting proposed language in brackets. If the change is extensive, deleted language may be displayed by forming a box with diagonal lines connecting the corners.

III. DISCUSSION: Explain why the change is necessary and how the change will solve the problem. Address any cost or administrative impact on Government activities, offerors, and contractors. Provide any other helpful information and documents such as statutes, legal decisions, regulations, reports, etc.

IV. POINT OF CONTACT: Provide a point of contact for answering questions regarding the recommendation.

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(b) The TAM will be maintained by OAGM through the TAR/TAM change process except for TAM Chapter 1234, Appendix A, Major Acquisition Policies and Procedures, which is maintained through the Major Acquisition Policy Council (see TAM 1234, Appendix A). Otherwise, the TAM will be amended as determined necessary by the SPE.

(1) *TAM Chapters.* This manual will contain internal DOT acquisition procedures within chapters which supplement or implement FAR and TAR material. Chapters are normally coordinated through the TAR/TAM change process prior to issuance.

(2) *TAM Notices.*

(i) TAM Chapters will be amended by issuance of a TAM Notice (also referred to as a TAM NOTE); and

(ii) TAM Notices are: (A) used to disseminate information that is relevant to the TAM; and (B) normally integrated into the TAM. TAM Notices may occasionally contain new material that must be issued quickly without going through the TAR/TAM change process before their release. However, subsequent to their issuance, these TAM NOTES will be reviewed using the TAR/TAM change process and change pages to the TAM Chapters will be issued as appropriate.

(3) *TAM Bulletins.* A TAM Bulletin (also referred to as TB) is an informational issuance (e.g., status listing of TAM Notices) that is relevant to acquisition issues but is usually not integrated into the text of the TAM. Bulletins normally expire within six months. Since TBs are informational, they normally do not go through the TAR/TAM change process prior to issuance. However, if after issuance, OAGM determines the information is to be inserted in the TAM, the TB shall be reviewed through the TAR/TAM change process and change pages to the TAM Chapters will be issued as necessary.

(4) *TAM Appendices, Attachments, and Exhibits.* At the end of TAM Chapters, Notices, and Bulletins, appendices may be used to provide supplementary material not suitable for insertion in the TAM issuance itself (e.g., tables, other agency issuances). Appendices may contain attachments with or without exhibits. Attachment(s) supplement the appendix, and exhibit(s) supplement the attachment. Both are made part of the appendix. TAM appendices do not necessarily follow the format and numbering system of this manual.

1201.301-71 Effective date.

Unless otherwise stated, the following applies--

(a) Statements in TAM NOTES or TBs to the effect that the material therein is "effective upon receipt," "upon a specified date," or that changes set forth in the document are "to be used upon receipt," mean that any new or revised procedures or forms shall be used when issuing solicitations, contracts, or modifications thereafter; and

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(b) If solicitations are already in process or negotiations complete when the TAM NOTE or TB is received, the new procedures or forms need not be used if it is determined by the COCO that it would not be in the best interest of the Government.

1201.301-72 TAM NOTE or TB numbering.

TAM NOTES and TBs will be numbered consecutively on a fiscal year basis beginning with number "01" prefixed by the last two digits of the fiscal year (e.g., TBs 93-01 and 93-02 indicate the first two TBs issued in fiscal year 1993).

1201.301-73 TAR/TAM change process.

(a) *General*. The Procurement Management Council (PMC) is an integral part of the TAR/TAM change process. The PMC is comprised of the Chief of the Contracting Office from the Operating Administration (OA) Headquarters office and the Senior Procurement Executive (SPE). Each OA shall have only one member on the PMC. Changes to this manual or the TAR are made through coordination with the PMC and other applicable DOT offices.

(b) *Process*. The TAR/TAM change process involves the formulation of policies and procedures through a comment process. The Office of Acquisition and Grant Management (OAGM) will use various methods (e.g., electronic media, hard copy, and discussions) to solicit and resolve comments on proposed TAM revisions.

(1) The PMC is responsible for--

(i) Reviewing proposed TAM changes and providing comments to the SPE or OAGM staff, or recommending solutions to the SPE on acquisition issues;

(ii) Recommending policies and procedures to the SPE for consideration; and

(iii) Adhering to DOT Order 4200.17, DOT Procurement Management Council.

(2) OAGM is responsible for--

(i) Formulating and distributing proposed changes;

(ii) Soliciting comments from the PMC and other interested and affected DOT offices; and

(iii) Reviewing and resolving all comments or forwarding them to the PMC for resolution.

1201.304 Agency control and compliance procedures.

(a) DOT's goal is to ensure the TAR and TAM is consistent with (FAR) 48 CFR unless (FAR) 48 CFR prescribes otherwise. Due to the leadtime necessary to

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implement (FAR) 48 CFR changes, conflict or inconsistency may momentarily exist. In those cases, the (FAR) 48 CFR takes precedent over the TAR and TAM.

(b) *OA acquisition regulations.* OA acquisition regulations shall:

(1) Be incorporated into the TAR as a supplemental regulation;

(2) Be coordinated in accordance with OA internal procedures (including review by legal counsel) to ensure compliance with (FAR) 48 CFR 1.301 and DOT's rule-making process before submission to the SPE;

(3) Be submitted to the SPE for review and approval by a transmittal letter signed by no lower than an Associate Administrator/Flag Officer or equivalent level at the initial stages of the regulatory process (i.e., before proceeding to the public comment process); include a Paperwork Reduction Act (see TAM 1201.201-70) and Regulatory Flexibility Act analysis, as appropriate; and be supported by a justification of need for the regulation;

(4) Be disseminated by OAGM to TAR distribution addressees and by the OA to other than TAR distribution addressees; and

(5) Pertain only to that OA.

(c) *OA acquisition procedures.* OA acquisition procedures shall:

(1) Contain no material which duplicates unless necessary for clarity (this is expected to be minimally required), paraphrases, or is inconsistent with the contents of the FAR, TAR, and this manual;

(2) Be consistent with the policies and procedures of the FAR, TAR, this manual, and other Departmental guidance and follow the format, arrangement, and numbering system specified in TAM 1201.104-270 and TAM 1201.301-70 to the extent practicable; and

(3) Be reviewed, as deemed appropriate, in accordance with internal operating procedures and the following:

(i) OAs shall advise OAGM in writing (by topic) of their intent to promulgate acquisition guidance implementing or supplementing the FAR, TAR, or this manual (see 49 CFR 1.59(q)(1)). OAs will be advised of any procedures which are to be provided to OAGM for review.

(ii) The HCA is responsible for ensuring that OA contracting offices limit their promulgation of acquisition procedures and, if procedures are necessary, to ensure they comply with subparagraphs (1) and (2) above.

SUBCHAPTER 1201.470--DEVIATIONS FROM THE FAR, TAR, AND TAM

1201.403 Individual deviations.

(a) Requests for individual deviations from the FAR, TAR, and this manual can be granted. The authority to approve individual deviations to this manual has been delegated to the HCA or designee no lower than the Senior Executive Service

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(SES)/Flag Officer level, except when this authority has been otherwise assigned by regulation (see (FAR) 48 CFR 1.405 for deviations for Treaties), statute (e.g., most Cost Accounting Standard (CAS) deviations must be granted by the CAS Board), or this manual. All deviation requests shall:

- (1) Be coordinated with legal counsel;
- (2) Cite the specific part of the FAR, TAR, or this manual from which a deviation is required;
- (3) Set forth the nature of the deviation(s); and
- (4) State the reasons for the action requested.

(b) A copy of approved individual deviations shall be provided to OAGM within 5 working days of approval so that OAGM can:

- (1) Provide a copy of FAR deviations to the FAR Secretariat in accordance with (FAR) 48 CFR 1.403; and
- (2) Determine if a TAR or TAM change should be considered.

1201.404 Class deviations.

(a) The authority of the agency head under (FAR) 48 CFR 1.404(a) is delegated to the SPE unless (FAR) 48 CFR 1.405(e) is applicable. Requests for class deviations to the FAR, TAR, and this manual shall be endorsed by the HCA or designee no lower than the SES/Flag Officer level, before submitting the request to the SPE for approval. Requests submitted shall include the same type of information as required for individual deviations in TAM 1201.403(a)(1)-(4).

SUBCHAPTER 1201.6--CAREER DEVELOPMENT, CONTRACTING AUTHORITY AND RESPONSIBILITIES

1201.601 General.

The authority of the agency head under (FAR) 48 CFR 1.601 is delegated to the HOAs. The Secretary, Deputy Secretary, SPE, HOAs and HCAs (see TAM 1202.170 for a listing of DOT HCAs) shall be considered contracting officers within DOT by virtue of their positions; no Certificate of Appointment (see TAM 1201.603-3) is required. All other DOT contracting officers shall be selected and appointed under TAM 1201.603.

1201.602 Contracting officers.

1201.602-2 Responsibilities.

Contracting officers may only delegate their responsibilities to an authorized representative(s) (e.g., Bankcard recipient, contracting officers' technical representative). Any delegation of responsibility must be in writing to specified individuals (by name, not position) and clearly enumerate the delegated responsibilities and any limitations attached thereto.

1201.602-3 Ratification of unauthorized commitments.

(a) *Definitions.*

(1) "Ratifying official" means the individual having the authority to authorize the issuance of a contract award, purchase order, or other procurement instrument providing for the ratification of an unauthorized commitment.

(2) "Unauthorized commitment", as defined in (FAR) 48 CFR 1.602-3, includes, but is not limited to, any action by a person other than the contracting officer that results in: (i) continued performance by a contractor beyond the expiration date or the price established by the procurement instrument; or (ii) the commencement of performance of work in advance of issuance of a formal procurement instrument properly executed by a duly authorized contracting officer.

(b) *Policy.*

(2) The authority of the HCA under (FAR) 48 CFR 1.602-3(b)(2) remains with the HCA unless redelegated to an organizational level no lower than the COCO in accordance with (FAR) 48 CFR 1.602-3(b)(3).

(c) *Limitations.*

(7) The following procedures shall be used for ratification of an unauthorized commitment:

(i) It is the responsibility of the individual who made the unauthorized commitment to provide the following information to the ratifying official:

(A) A discussion describing the circumstances causing the unauthorized commitment;

(B) Reasons why normal procurement procedures were not followed;

(C) What bona fide Government requirement necessitated the commitment;

(D) Whether any benefit was received;

(E) The dollar value of the commitment and an evaluation of the contractor's effort in terms of appropriateness of the hours expended, type of labor used, and other costs expended;

(F) Rationale for the contractor selected and identification of other sources considered;

(G) Status of performance;

(H) Any other pertinent facts including invoices, receiving report, or other documentary evidence of the transaction;

(I) The signature, following the above information, of the employee who created the unauthorized commitment certifying to the accuracy of the information provided;

(J) Recommendations, signed by the employee's Division Director (or equivalent), for corrective action to preclude the situation from recurring; and

(K) A complete procurement request (i.e., Form DOT F 4200.1, Procurement Request), including a certification that the funds included in the purchase request for the ratifying action were available at the time the unauthorized commitment occurred.

(ii) If the individual who made the unauthorized commitment is not available, the office responsible for the commitment shall provide the information described in subparagraph (i) above with the name (vice signature) of the individual who made the unauthorized commitment.

(iii) A written contract, as defined under (FAR) 48 CFR 2.101, is not required to confirm the ratification of an unauthorized commitment. The contracting officer, on a case-by-case basis, shall decide if a contract or other written means would be appropriate for a particular situation. Such factors as the furnishing of Government property, promise of product delivery, dispute over invoiced prices, etc., are to be considered when determining if a contract will or will not be used.

(A) The complete file containing all the ratification documentation requirements of subparagraph (c)(7)(i) (also see (B) below), shall be provided to the ratifying official for a determination to ratify or not to ratify the action.

(B) Before ratification of an action, a letter requesting payment or an invoice from the contractor who provided the supply or service must be received. If not already received, the contracting officer must obtain an invoice after ratification for submission to the finance office.

(C) A memorandum signed by the contracting officer which approves the invoice shall be sent to the finance office along with the invoice. The original certified Form DOT F 4200.1, Procurement Request, (covering the total amount of the invoice), a copy of the ratifying official's ratification, and the document confirming the ratification (see subparagraph (iii) above), shall be attached to the memorandum.

(D) A copy of the memorandum, Form DOT F 4200.1, invoice, and original ratification documentation shall be retained in the contract file.

(E) A letter explaining the disposition of the unauthorized commitment shall be sent to the contractor by the contracting officer if payment will not be made.

(iv) Each contracting office shall establish a file of those actions for which ratification was requested. Each request included in the office file shall be retained for 6 years and 3 months after final payment or after the

ratifying official determines that the action will not be ratified. The office file shall contain the following:

(A) The name of the office and person that made the unauthorized commitment;

(B) A brief description of the commitment, the amount of the action, and a written determination, with supporting documentation, that either the request should not be ratified or that the ratified price is fair and reasonable;

(C) The name of the firm or person to whom the commitment was made (if not in the ratification document);

(D) The date the commitment was either ratified (if not in the ratification document) or not ratified;

(E) A copy of the ratification document as applicable;

(F) Evidence of legal counsel concurrence with any ratification that is 10 percent or more of the small purchase limitation; and

(G) Any disciplinary action taken or an explanation as to why none was considered necessary.

1201.603 Selection, appointment, and termination of appointment.

1201.603-1 General.

The authority of the agency head under (FAR) 48 CFR 1.603-1 is delegated to the HCA who may redelegate this authority no lower than the COCO.

1201.603-2 Selection.

Personnel shall be selected as contracting officers using the guidance under the Departmental Personnel Manual (DPM) System, DPM letter 300-15 entitled Department of Transportation Acquisition Career Development Program.

1201.603-3 Appointment.

(a) The delegation of contracting authority is by formal contracting officer appointments under a Certificate of Appointment, SF 1402.

(b) The appointing authority shall maintain information on the limits of contracting officer authority.

1201.603-4 Termination.

The appointing authority may terminate the appointment of a contracting officer at any time. Contracting officers whose appointments are terminated shall be given by the appointing authority (see TAM 1201.603-1) a written notice stating the reasons for, and the effective date of, the termination.

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1201.670 Responsibility of other Government personnel.

(a) Responsibility for the decision of what to buy and when to buy rests mainly with program and certain staff offices. Responsibility for determining how to buy, the conduct of the buying process, and execution of the contract rests with the contracting officer.

(b) Program personnel, using the contracting process to accomplish their programs, must support the contracting officer in ensuring that:

- (1) Requirements are clearly defined and specified;
- (2) Competitive sources are solicited, evaluated, and selected;
- (3) Quality standards are prescribed and met;
- (4) Performance or delivery is timely;
- (5) Prices, estimated costs, and fees are reasonable; and

(6) Files are documented to substantiate the judgments, decisions, and actions taken.

1201.671 DOT's oversight role.

OAGM is responsible for the oversight of DOT's contracting activities. This oversight focuses on how well the primary role of the procurement system--to deliver best value products and services on a timely basis to meet the needs of the transportation systems--is being accomplished. The concept of prevention rather than detection is emphasized and accomplished through such factors as enabling the organization and continuously improving the system by receiving customer feedback and measuring for performance.

SUBCHAPTER 1201.7--DETERMINATIONS AND FINDINGS

1201.704 Content.

The format and content requirements for determinations and findings (D&Fs) are specified in the associated subject text of this manual as considered necessary. The contracting officer is responsible for preparing D&Fs, and requirements and technical personnel are responsible for the accuracy and adequacy of the supporting factual information, which shall be furnished to the contracting officer.

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APPENDIX A

LISTING OF COGNIZANT OAGM PERSONNEL FOR FAR, TAR, AND TAM

<u>PART</u>	<u>TITLE</u>	<u>ANALYST ASSIGNED</u>
1	Federal Acquisition Regulation System	Lundquist
2	Definitions of Words and Terms	Lundquist
3	Improper Business Practices & Personal Conflicts of Interest	Jordan
4	Administrative Matters	Hackley
5	Publicizing Contract Actions	Lundquist
6	Competition Requirements	Lundquist
7	Acquisition Planning	Lundquist
8	Required Sources of Supplies & Services	Jordan
9	Contractor Qualifications	Jordan
10	Market Research	Jordan
11	Describing Needs	Jordan
12	Acquisition of Commercial Items	Jordan
13	Simplified Acquisition Procedures	Lundquist
14	Sealed Bidding	Hackley
15	Contracting by Negotiation	Hackley/Hawkins
16	Types of Contracts	Lundquist
17	Special Contracting Methods	Lundquist
18	Reserved	
19	Small Business Programs	Hackley
20	Reserved	
21	Reserved	
22	Application of Labor Laws to Government Acquisition	Jordan

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LISTING OF COGNIZANT OAGM PERSONNEL FOR FAR, TAR, AND TAM

<u>PART</u>	<u>TITLE</u>	<u>ANALYST ASSIGNED</u>
23	Environment, Conservation, Occupational Safety, and Drug-Free Workplace	Lundquist
24	Protection of Privacy and Freedom of Information	Jordan
25	Foreign Acquisition	Jordan
26	Other Socioeconomic Programs	Hackley
27	Patents, Data, and Copyrights	Jordan
28	Bonds and Insurance	Hackley
29	Taxes	Hackley
30	Cost Accounting Standards Administration	Lundquist
31	Contract Cost Principles & Procedures	Lundquist
32	Contract Financing	Jordan
33	Protests, Disputes, and Appeals	Jordan
34	Major System Acquisition	Lundquist
35	Research & Development Contracting	Lundquist
36	Construction and Architect-Engineer Contracting	Hackley
37	Service Contracting	Jordan
38	Federal Supply Schedule Contracting	Jordan
39	Acquisition of Information Resources	Lundquist
40	Reserved	
41	Acquisition Of Utility Services	Hackley
42	Contract Administration	Hackley
43	Contract Modifications	Hackley
44	Subcontracting Policies & Procedures	Hackley

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I LISTING OF COGNIZANT OAGM PERSONNEL FOR FAR, TAR, AND TAM

<u>PART</u>	<u>TITLE</u>	<u>ANALYST ASSIGNED</u>
45	Government Property	Hackley
46	Quality Assurance	Hackley
47	Transportation	Hackley
48	Value Engineering	Lundquist
49	Termination of Contracts	Jordan
50	Extraordinary Contractual Actions	Jordan
51	Use of Government Sources by Contractors	Jordan
52	Solicitation Provisions & Contract Clauses	
53	Forms	

LIST OF ACRONYMS AND OFFICE SYMBOLS COMMONLY USED IN TAMACRONYMS

AA	Associate Administrator
ACH	Automated Clearinghouse
ACO	Administrative Contracting Officer
ACTIS	Automated Closeout Tracking Information System
A-E	Architect-Engineering
AP	Acquisition Plan
APP	Annual Procurement Plan
ARA	Associate Regional Administrator
ASPM	Armed Services Pricing Manual
BAFO	Best and Final Offer
BCA	Board of Contract Appeals
BOA	Basic Ordering Agreement
BOS	Business Opportunity Specialist
BPA	Blanket Purchase Agreement
COD	Capital Ownership Development
CAO	Contract Administration Office
CAS	Cost Accounting Standards
CASB	CAS Board
CBD	Commerce Business Daily
CEC	Contractor Establishment Code
CFR	Code of Federal Regulations
CIS	Contract Information System
COCO	Chief of Contracting Office
COM	Cost of Money
CPAF	Cost Plus Award Fee
CPFF	Cost Plus Fixed Fee
CPIF	Cost Plus Incentive Fee
CS	Cost Sharing
DAFIS	Departmental Accounting and Financial Information System
D&F	Determination and Findings
DCAA	Defense Contract Audit Agency
DLA	Defense Logistics Agency
DOC	Department of Commerce
DOD	Department of Defense
DOL	Department of Labor
DON	Department of Navy
DOT	Department of Transportation
DPA	Delegation of Procurement Authority
DPAS	Defense Priorities and Allocation System
DPM	Departmental Personnel Manual
DSO	Designated Senior Official
E.O.	Executive Order
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration

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FAR	Federal Acquisition Regulation
FC/RPR	Fixed Ceiling with Retroactive Price Redetermination
FDO	Fee Determining Official
FFP	Firm Fixed Price
FFP/EPA	Firm Fixed Price with Economic Price Adjustment
FFRDC	Federally Funded Research and Development Center
FHWA	Federal Highway Administration
FIP	Federal Information Processing
FIRMR	Federal Information Resources Management Regulation
FOIA	Freedom of Information Act
FP/PPR	Fixed Price with Prospective Price Redetermination
FPI	Fixed Price Incentive
FRA	Federal Railroad Administration
FRC	Federal Records Center
FPDS	Federal Procurement Data System
FTA	Federal Transit Authority
FTS	Federal Telecommunications System
FY	Fiscal Year
GAO	General Accounting Office
G&A	General and Administrative
GBL	Government Bill of Lading
GCCCS	Governmentwide Commercial Credit Card Service
GFP	Government Furnished Property
GPO	Government Printing Office
GSA	General Services Administration
GSBCA	General Services Board of Contract Appeals
HCA	Head of Contracting Activity
HHS	Department of Health and Human Services
HOA	Head of Operating Administration
IDDO	Indefinite Delivery Definite Quantity
IDIQ	Indefinite Delivery Indefinite Quantity
IFB	Invitation for Bids
IFMS	Interagency Fleet Management System
IG	Inspector General
IMPAC	International Merchant Purchase Authorization Card
IRS	Internal Revenue Service
LH	Labor Hour
LOE	Level of Effort
MARAD	Maritime Administration
MIPR	Military Interdepartmental Purchase Request
MNS	Mission Need Statement
MSB	Minority Small Business
NHTSA	National Highway Traffic Safety Administration
NIBS	National Institute of Building Sciences
NIC	National Information Clearinghouse
NISP	National Industrial Security Program
OA	Operating Administration
OAGM	Office of Acquisition and Grant Management
OF	Optional Form
OFCCP	Office of Federal Contract Compliance Programs
OFPP	Office of Federal Procurement Policy

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O/H	Overhead
OMB	Office of Management and Budget
OPM	Office of Personnel Management
OSDBU	Office of Small and Disadvantaged Business Utilization
OST	Office of the Secretary of Transportation
P.L.	Public Law
PM	Prenegotiation Memorandum
PMC	Procurement Management Council
PMR	Procurement Management Review
PNM	Price Negotiation Memorandum
PR	Procurement Request
R&D	Research and Development
RCRA	Resource Conservation and Recovery Act
REQ	Requirements
RFQ	Request for Quotations
RFP	Request for Proposals
RLO	Records Liaison Officer
RMBCS	Rocky Mountain Bankcard System
RMO	Records Management Officer
RSPA	Research and Special Programs Administration
SBA	Small Business Administration
SCA	Senior Competition Advocate
SADBUS	Small and Disadvantaged Business Utilization Specialist
SEB	Source Evaluation Board
SES	Senior Executive Service
SF	Standard Form
SIC	Standard Industrial Classification
SLSDC	Saint Lawrence Seaway Development Corporation
SOW	Statement of Work
SPA	Special Priorities Assistance
SPE	Senior Procurement Executive
SSO	Source Selection Official
T&M	Time and Materials
TAC	Transportation Acquisition Circular
TAM	Transportation Acquisition Manual
TAM NOTE	TAM Notice
TAR	Transportation Acquisition Regulation
TASC	Transportation Administrative Service Center
TB	TAM Bulletin
TIN	Tax Identification Number
TN	TAR Notice
UNICOR	Federal Prison Industries
USC	United States Code
USCG	United States Coast Guard
VE	Value Engineering
VECP	Value Engineering Change Proposal
VNTSC	Volpe National Transportation Systems Center

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Office Symbols

A-1	Assistant Secretary for Public Affairs
A-30	Office of Public Information
B-1	Assistant Secretary for Budget and Programs
B-30	Office of Financial Management (formerly M-80)
C-1	General Counsel
C-10	Assistant General Counsel for Environmental, Civil Rights, and General Law
C-15	Patent Counsel
C-50	Assistant General Counsel for Regulation and Enforcement
I-1	Assistant Secretary for Governmental Affairs
J-1	Inspector General
JI-1	Assistant Inspector General for Investigations
M-1	Assistant Secretary for Administration
M-30	Office of Information Resource Management
M-60	Office of Acquisition and Grant Management
M-61	Acquisition Management Division
M-62	Grants Management Division
M-70	Office of Security and Administrative Management
S-1	Secretary of Transportation
S-2	Deputy Secretary of Transportation
S-20	Board of Contract Appeals
S-40	Office of Small and Disadvantaged Business Utilization
SVC-110	Headquarters Building Management
SVC-116	Personal Property
SVC-121	Printing Services
SVC-121.23	Landover Warehousing & Subsequent Distribution
SVC-122	Library Services
SVC-140	Space Management
SVC-170	Information Technology Operations
SVC-172	Transportation Computer Center

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CHAPTER 1203

IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

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CHAPTER 1203

IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

SUBCHAPTER 1203.1--SAFEGUARDS

1203.104 Procurement integrity.

1203.104-3 Statutory prohibitions and restrictions.

(b) Prohibited conduct by procurement officials (subsection 27(b) of the Act).

(3) The authority of the head of the agency under (FAR) 48 CFR 3.104-3(b)(3) is delegated to the contracting officer.

(c) Disclosure to unauthorized persons (subsection 27(d) of the Act). The authority of the head of the agency under (FAR) 48 CFR 3.104-3(c) is delegated to the contracting officer.

1203.104-4 Definitions.

(a) The designated agency ethics official for DOT is the Deputy General Counsel (C-1). The deputy ethics officials are the OA Chief Counsels or designees.

(k)(2)(x) The authority of the head of the agency under (FAR) 48 CFR 3.104-4(k)(2)(x) is delegated to the contracting officer.

1203.104-470 Additional definition.

"Head of Requiring Office" means the approving official that signs block 5(a)(1) of DOT F 4200.1.

1203.104-5 Disclosure, protection, and marking of proprietary and source selection information.

(a) The authority of the head of the agency under (FAR) 48 CFR 3.104-5(a) is delegated to the contracting officer.

(b)(1) Individuals who either prepare or receive documents which contain proprietary or source selection information shall:

(i) Ensure that the information is marked as required by (FAR) 48 CFR 3.104-4(k) and 3.104-5;

(ii) Use Form DOT F 4220.36, Cover Page Proprietary Information, to notify the recipient that the information or portions thereof is proprietary information related to the conduct of a Federal agency procurement;

(iii) Use Form DOT F 4220.35, Cover Page Source Selection Information, and comply also with the requirements of (FAR) 48 CFR 3.104-5(c) with respect to the marking of pages, to notify the recipient that the document contains source selection information;

(iv) Ensure that the information is secured and protected both during and after working hours;

(v) Ensure interoffice security mailing of the information; and

(vi) Ensure strict control over where discussions regarding the information or related acquisition are held.

(d)(1) The authority of the head of the agency under (FAR) 48 CFR 3.104-5(d)(1) is delegated to the contracting officer.

(d)(2) The authority of the head of the agency under (FAR) 48 CFR 3.104-5(d)(2) is delegated to the Director, Office of Acquisition and Grant Management (M-60), who has established procedures as indicated in this subchapter.

(i) Proprietary and source selection information shall be released only to those persons who have a *bona fide* need to know, and these persons shall have access only to the information needed to perform their assigned duties. The classes of persons shown below may be authorized access to proprietary and source selection information to the extent necessary to accomplish their requisite duties and responsibilities with respect to a particular acquisition. These class authorizations are not substitutes for individual authorizations and certifications that may be required elsewhere in the FAR, TAR, or TAM:

(A) Program and technical experts involved in the development of statements of work, specifications or similar documents;

(B) Contracting personnel acting in support of the contracting officer;

(C) Secretarial, clerical, and administrative personnel of the contracting and program offices directly involved in the procurement;

(D) Contract clearance personnel (e.g., COCOs, M-60);

(E) Attorneys in the Office of the General Counsel for OST, attorneys in the Office of Chief Counsel for the other OAs, and attorneys in the Civil Division of the Department of Justice;

(F) Special agents and auditors in the Office of Inspector General (IG) and auditors engaged in contract audits on behalf of the IG;

(G) Engineers and other technical/administrative support personnel who provide support to the contracting officer;

(H) Small Business Technical Advisors;

(I) Small Business Administration (SBA) personnel responsible for reviewing determinations not to set aside acquisitions, determining the small business status of offerors under (FAR) 48 CFR 19.302, processing applications

to the COCO, if a contracting officer has not been appointed.

(e) *Ethics advisory opinions.* The authority of the head of the agency under (FAR) 48 CFR 3.104-8(e) is delegated to the COCO, if a contracting officer has not been appointed.

1203.104-9 Certification requirements.

(c) *Contracting officer certifications.*

(1)(i) The authority of the head of the agency under (FAR) 48 CFR 3.104-9(c)(1)(i) is delegated to the COCO.

(1)(ii) The authority of the head of the agency under (FAR) 48 CFR 3.104-9(c)(1)(ii) is delegated to the HCA or designee. The designation may be no lower than the COCO.

(d) *Additional certifications.* The authority of the head of the agency under (FAR) 48 CFR 3.104-9(d)(1) and that of the HCA under (FAR) 48 CFR 3.104-9(d)(2) are delegated to the COCO provided that the COCO is a flag officer, SES, or equivalent level and is at least one organizational level above the contracting officer.

(e) *Recordkeeping requirements.*

(2) The contracting officer shall retain all contractor personnel certifications in the contract file. Certificates containing information on a violation or possible violation of the statutory prohibitions shall be processed in accordance with (FAR) 48 CFR 3.104-11 as implemented by (TAR) 48 CFR 1203.104-11.

(3) The contracting officer shall retain all ethics advisory opinions in the contract file.

(f) *Exceptions to certification requirements.*

(2) The request for the waiver with supporting rationale required by (FAR) 48 CFR 3.104-9 shall be prepared and submitted through the HCA to the SPE before it is transmitted to the Secretary of Transportation for approval. The authority provided in (FAR) 48 CFR 3.104-9(f)(2) is non-delegable. The SPE will prepare for signature by the Secretary the Congressional notification required by (FAR) 48 CFR 3.104-9(f)(2).

1203.104-11 Processing violations or possible violations.

The authority of the HCA under (FAR) 48 CFR 3.104-11(a) through (e) may be delegated provided that the designee is a flag officer, SES, or equivalent level and is at least one organizational level above the contracting officer.

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1203.104-12 Ethics program training requirements.

(a)(1) The Office of General Counsel (C-10) issues written ethics guidance materials to each deputy ethics official for distribution to the appropriate personnel. If the procurement officials require additional guidance or information, the officials shall be referred to C-10 for OST personnel and the OA's ethics official for OA personnel.

SUBCHAPTER 1203.2--CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

1203.204 Treatment of violations.

The authority of the agency head under (FAR) 48 CFR 3.204(a) and (c) is delegated to the HCA.

SUBCHAPTER 1203.6--CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

1203.602 Exceptions.

The authority of the agency head under (FAR) 48 CFR 3.602 is delegated to the HCA. This authority cannot be redelegated below the HCA level.

SUBCHAPTER 1203.7--VOIDING AND RESCINDING CONTRACTS

1203.703 Authority.

The authority of the head of the agency under (FAR) 48 CFR 3.703 is delegated to the HCA, with written notification provided to the HOA, prior to voiding or rescinding a contract or other transaction as enumerated in 18 U.S.C. 218.

1203.704 Policy.

(a) The authority of the agency head under (FAR) 48 CFR 3.704 is delegated to the HCA, with written notification to be provided to the HOA, prior to voiding or rescinding a contract or other transaction as enumerated in 18 U.S.C. 218.

1203.705 Procedures.

The authority of the agency head under (FAR) 48 CFR 3.705(a) through (e) is delegated to the HCA, with written notification to be provided to the HOA, prior to providing notification to the Department of Justice.

(c) *Decision-Making Process.* Prior to taking the actions under (FAR) 48 CFR 3.705 concerning voiding or rescinding a contract, the contracting officer shall ensure that the file fully supports the proposed action. The opinion of legal counsel also shall be sought to ensure that all requirements of (FAR) 48 CFR 3.705 have been met.

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APPENDIX A

LIST OF PROCUREMENT OFFICIALS FOR PR # _____

(A) TO BE COMPLETED BY THE HEAD OF THE REQUIRING OFFICE AND SUBMITTED WITH PRs
FOR AWARDS ESTIMATED TO EXCEED \$100,000

The persons identified below as procurement officials have executed a Procurement
Integrity Certification (OF 333) which is on file.

Procurement Officials

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Head of Requiring Office

Signature/Date

Office

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LIST OF PROCUREMENT OFFICIALS FOR PR # _____

(B) TO BE COMPLETED BY THE CONTRACTING OFFICER

The persons identified below as procurement officials have executed an OF 333 which is on file.

Type/Print Names

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
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CHAPTER 1204

ADMINISTRATIVE MATTERS

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CHAPTER 1204

ADMINISTRATIVE MATTERS

SUBCHAPTER 1204.2--CONTRACT DISTRIBUTION

1204.202 Agency distribution requirements.

(a) In addition to the distribution requirements of (FAR) 48 CFR 4.201, the contracting officer shall distribute one reproduced, executed copy of all types of awarded procurement instruments to the following, when appropriate:

(1) The OA's property management office or property administrator (see (FAR) 48 CFR Part 45) when Government property is furnished to the contractor or when acquiring personal property as that term is defined in (FAR) 48 CFR 45.601;

(2) The requisitioning office; and

(3) The recipient of the supplies or services (including construction).

(b) The copy specified in TAM 1204.202(a)(1) is necessary to enable the recording and control of Government property, as required by DOT Order 2700.12 series, Financial Management Control of Property, and DOT 2700.8 series, Accounting Principles and Standards, by the finance office.

(c) The recipient (see subparagraph (a)(3) above) shall be requested to provide the contracting officer or designee with a written acknowledgement of receipt and acceptance of the supplies or services (including construction). Receipts are necessary to support payments made by the finance office to the contractor.

1204.203 Taxpayer identification number information.

(a) In lieu of the procedure under (FAR) 48 CFR 4.203(a), the contracting officer shall attach the original completed provision at (FAR) 48 CFR 52.204-3, Taxpayer Identification Number (TIN), to the front of the finance office's copy of the contract or as otherwise authorized by OA procedures.

(b) When the TIN is obtained in accordance with the procedures of TAM 1204.902-71, the contracting officer shall annotate the contractor's TIN and corporate status on the front page of the contract document near the contractor's name and address, and forward the contract document to the paying office.

SUBCHAPTER 1204.4--SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

1204.403 Responsibilities of contracting officers.

(a) *Presolicitation phase.* DOT is covered by the National Industrial Security Program (NISP) when a classified acquisition as defined under (FAR) 48 CFR 4.401 is proposed. When classified information is required by the contractor during contract performance, contracting officers shall follow the procedures of:

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- (1) Executive Order 12829, National Industrial Security Program (NISP);
- (2) Department of Defense (DOD) 5220.22-M, Industrial Security Manual for Safeguarding Classified Information;
- (3) DOD 5220.22, Industrial Security Regulation (ISR);
- (4) DOT Order 1640.4 series, Classification, Declassification, and Control of National Security Information; and
- (5) (FAR) 48 CFR Subpart 4.4.

(b) *Solicitation phase.* Contracting officers shall ensure that classified acquisitions are conducted as required by the NISP. All contracting offices shall comply with the requirements of DOT Order 1640.4 series and any OA implementing procedures. Contracting officers should contact the DOT Office of Security (M-70) for assistance in the preparation of the contract security specifications.

(1) If the proposed acquisition is unclassified but the contractor will require access to privileged/sensitive information or have unrestricted access to DOT facilities, contracting officers (excluding contracting officers for the FAA, USCG, and FHWA) shall contact the DOT Office of Security (M-70) for assistance.

(2) Contracting officers for the FAA, USCG, and FHWA shall contact their cognizant security office for guidance.

SUBCHAPTER 1204.6--CONTRACT REPORTING

1204.601 Record requirements.

(a) It is DOT's policy to operate and maintain automated information systems which are complete, accurate, and current.

(1) The DOT established and maintains the DOT Contract Information System (CIS) to meet the requirements of (FAR) 48 CFR 4.601. The CIS collects and reports data on procurement actions exceeding \$25,000. However, see TAM 1204.602(c) for reporting actions of \$25,000 or less. The CIS is used by all DOT OAs as the primary source of procurement data.

(2) Each contracting office is responsible for timely and accurate reporting of data to the CIS.

(3) M-60 operates and maintains the CIS, including the distribution of progress and query reports.

I (4) The DOT TASC provides technical and administrative support for the CIS.

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(d) Contracting officers satisfy the reporting requirements of (FAR) 48 CFR 4.601(d) when procurements are reported to the CIS pursuant to the Contract Information Users Guide.

(1) To ensure that this requirement is met, Form DOT F 4220.11, DOT CIS Data Input Form, must be submitted by the preparer to the contracting officer as a document to support the award of all types of procurement instruments (e.g., contracts, contract modifications, task orders, delivery orders). The contracting officer shall not sign any contract action of any value that obligates money until the contracting officer reviews Form DOT F 4220.11.

(2) Even though contracting offices may submit Form DOT F 4220.11 for key punching, use the CIS On-Line Data Entry System, to report contractual actions. a completed Form DOT F 4220.11 shall be placed in the official contract file.

1204.602 Federal Procurement Data System.

(c) In lieu of reporting the data on SF 279, Federal Procurement Data System Individual Contract Action Report, as suggested by (FAR) 48 CFR 4.602(c), DOT contracting offices shall report the required data to the CIS by submitting the information on Form DOT F 4220.11. SF 281, Federal Procurement Data System (FPDS)--Summary Contract Action Report (\$25,000 or Less) shall be used to report contract actions of \$25,000 or less (except see TAM 1204.602-71).

(d) Contracting officers in and outside the United States shall obtain a Contractor Establishment Code (CEC) as described in the following subparagraphs. Requests to any office besides the Dun and Bradstreet office indicated below will not be honored.

(1) To obtain up to ten CECs by telephone, call (610) 882-7741. Dun & Bradstreet will reject all telephone requests for more than ten CECs.

(2) To obtain more than ten CECs, the request must be facsimiled by dialing (610) 882-7140 or mailed to the following address:

FPDC Department
Dun & Bradstreet Information Services
899 Eaton Avenue
Bethlehem, PA 18025-0013

(3) The requestor must provide the following information with each telephone, written, or facsimile request to Dun and Bradstreet:

(i) Reporting agency name: U.S. Department of Transportation;

(ii) Requestor's agency code: 6901 (use this code, not the OA's number);

(iii) Contracting office code: 00059 (use this code, not the procurement office's number);

(iv) Name and telephone number of the person requesting the CEC(s);

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(v) Contractor's establishment name, street address, city, state, zip code, and telephone number (if available); and

(vi) If this is a foreign contractor (i.e., established outside of the U.S. and its outlying areas), provide the contractor's establishment name, street address, province (if any), city, country, postal code, and telephone number (if available).

1204.602-70 Report on UNICOR acquisitions.

Section 2901 of the Crime Control Act of 1990 (Public Law 101-647) requires each Federal department and agency to report to the General Services Administration (GSA), through the FPDS, all acquisitions of products and services from the Federal Prison Industries (UNICOR). OAs shall report all UNICOR acquisitions in accordance with the procedures under TAM 1204.602(c).

1204.602-71 Acquisitions under the Small Business Competitiveness Demonstration Program.

(a) The Small Business Competitiveness Demonstration Program (Title VII of Pub. L. 100-656) is described under (FAR) 48 CFR 19.10. (FAR) 48 CFR 19.1005 defines the four designated industry groups selected for this program, and (TAR) 48 CFR 1219.1005(b) defines the ten targeted industry groups agreed to between DOT and SBA as required by (FAR) 48 CFR 19.1005(b).

(b) The contracting officer shall report to the CIS, by the methods described in TAM 1204.602(c), each contract action that obligates or deobligates funds of \$500 or more within the four designated industry groups or the ten targeted industry groups mentioned under paragraph (a) above. None of the acquisitions under this program shall be reported on the SF 281 (i.e., do not report those acquisitions between \$500 and \$25,000 on SF 281).

1204.602-72 Uniform Procurement Instrument Identification Numbering System.

1204.602-7201 Policy.

(a) The Uniform Procurement Instrument Identification Numbering (PIIN) System is established to control, track and identify each procurement action from receipt of the procurement request through award and closeout of the procurement instrument.

(b) Alphanumeric characters, other than those prescribed in this subchapter, shall not be used as a part of the PIIN. If additional identification is needed by the operating administration for internal reasons, it shall be placed on the procurement instrument in such a location as to separate it from the PIIN. The contracting officer shall assign a PIIN to each type of instrument described under TAM 1204.602-7202(a)(5). The number shall be retained for the life of the instrument to which it is assigned.

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1204.602-7202 The Basic Procurement Instrument Identification Number.

(a) Elements of the PIIN. The PIIN shall consist primarily of 14 alphanumeric characters which may be expanded to 15 as permitted under TAM 1204.602-7202(a)(6). The characters shall be positioned as follows:

(1) Positions one and two. A two-digit alphabetic code which identifies the procuring agency. This code must always be "DT" which means the Department of Transportation.

(2) Positions three and four. A two-digit alphabetic code which identifies the DOT operating administration. The following codes shall be used:

- CG - Coast Guard
- FA - Federal Aviation Administration
- FH - Federal Highway Administration
- FR - Federal Railroad Administration
- FT - Federal Transit Administration
- MA - Maritime Administration
- NH - National Highway Traffic Safety Administration
- TS - Transportation Administrative Service Center
- RS - Research and Special Programs Administration
- SL - Saint Lawrence Seaway Development Corporation

(3) Positions five and six. A two-digit alphanumeric code which identifies the procurement office of the operating administration that issued the procurement instrument.

(4) Positions seven and eight. A two-digit numeric code which is the last two digits of the fiscal year in which the PIIN is assigned to the procurement instrument.

(5) Position nine. A one-digit alphabetic code which identifies the type of procurement instrument (i.e., agreement, sealed bidding, contracts, etc.). The following codes shall be used:

A - Agreement: Use for a basic agreement, basic ordering agreement, or blanket purchase agreement as defined under (FAR) 48 CFR 13.2 and 16.7. Do NOT use for Cooperative Agreements.

B - Sealed Bidding: Use for invitation for bids as defined under FAR 14.2.

C - Contracts: Use for all contracts (i.e., letter, 8(a), etc.). Also, includes contracts for appraisals, surveys, title, closing, and other work related to leasing or acquiring real estate rights. Do NOT use this code for Task or Delivery order contracts.

D - Task Order or Delivery Order Contracts: Use for Indefinite Quantity, Definite Quantity, and Requirements contracts as defined under (FAR) 48 CFR 16.5 (see TAM 1204.602-7203(a)(3) for numbering of individual orders under task or delivery order contracts).

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F - Task Order or Delivery Orders: Use when placing orders directly against (1) a contract administered by another Government agency or department e.g. General Services Administration, the Department of Veterans Affairs, or the Office of Personnel Management, (2) contracts administered by agencies other than DOT including the National Industries for the Blind, National Industries for the Severely Handicapped, and the Federal Prison Industries (UNICOR), and (3) contract awarded by another DOT operating administration..

G - Grants: Reserved for grants when a PIIN formatted number is assigned.

H - Cooperative Agreements: Reserved for cooperative agreements when a PIIN formatted number is assigned.

K - Land Purchases and Condemnations: Use for acquisition of permanent real estate interests (fee simple or easement) by purchase or condemnation. Does not include leasehold interests (land or space) in real property.

L - Lease Agreement: Use for leasing real property and supplies or equipment. Also, includes instruments for both land and space where the Government obtains real estate rights and aerial easements for a limited period of time, and may or may not be monetary in consideration. Does NOT include Interagency Agreements.

P - Purchase Orders: Use for purchase orders described under FAR Subpart 13.1 (assign V, then W when numbering capacity of P becomes exhausted during a fiscal year). Also, includes orders for appraisals, surveys, title, closing, and other work related to leasing or acquiring real estate rights.

Q - Request for Quotation: Use when the procedures under (FAR) 48 CFR Part 13.1 or (FAR) 48 CFR Part 15.4 are followed.

R - Request for Proposal: Use when the procedures under (FAR) 48 CFR Part 15.4 are followed.

S - Sales Contract: Use for sales and other disposal of real and personal property.

U - Utilities: Use for contracts for electric, telephone, water, natural gas, and other utilities.

X - Interagency Agreements: Use when placing an order with any other government agency (does NOT include any DOT operating administrations) for supplies or services that the servicing agency may be in a position or equipped to supply, render, or obtain by contract. (FAR) 48 CFR 17.502 applies.

The letters E, J, M, N, T, Y and Z are reserved for the internal use of the operating administration. These letters may NOT be used to identify a DOT procurement instrument in lieu of the above designated codes assigned to the type of instrument.

(6) Positions ten through fourteen or fifteen. At the discretion of the operating administration, these characters may be numeric or alphanumeric. A separate set of serial numbers may be used for any type of procurement instrument.

(b) Illustration of the PIIN. An example of a PIIN is illustrated in the below chart. The PIIN DTFA0194B00001 identifies an invitation for bids issued by the Department of Transportation, Federal Aviation Administration, Contracts Division, Washington, D.C., issued in Fiscal Year 1994.

<u>Position</u>	<u>Identification</u>	<u>Code</u>
1-2	Agency	DT
3-4	Operating Administration (OA)	FA
5-6	Procurement office of the OA	01
7-8	Fiscal Year in which the PIIN is assigned to the procurement instrument.	94
9	Type of procurement instrument	B
10-14 or 15	Numeric serial number of the procurement instrument or Alphanumeric serial number of the procurement instrument	00001 or 000001 or AB123 or ABC123

1204.602-7203 Supplementary Procurement Instrument Identification Number.

(a) A Supplementary number shall be used in conjunction with the basic PIIN, to identify the following:

(1) Amendments to Solicitations. Amendments shall be assigned a four position alphanumeric serial number. The first position would always be A, and the last three positions would always be numbered sequentially beginning with 001. A sample amendment number would be "A001."

(2) Modifications to Contracts, Agreements, and Orders. Modifications to contracts, agreements, and orders shall be numbered sequentially with a four position numeric serial number beginning with 0001.

(3) Orders. A supplementary number shall be assigned to the following orders:

(i) Orders placed by the OA against the OA's own contracts or agreements; and,

(ii) Orders placed by the OA against other OA contracts or agreements.

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This supplementary number shall NOT exceed fifteen positions. At the discretion of the OA, these up to fifteen positions may be a combination of numeric and alphanumeric characters. Examples are: D94230001; TE423E000; W9423CE00; and VA3001.

1204.670 Acquisition related reporting requirements.

Appendix A is a listing of various acquisition related reporting requirements. Unless otherwise advised by M-60, the COCO shall ensure that each report is submitted to the required location by the due date.

SUBCHAPTER 1204.8--CONTRACT FILES

1204.801 General.

The COCO is designated as the head of each office performing contracting and contract administration functions. The chief of the finance office of the OA is designated as the head of the office performing paying functions.

1204.804 Closeout of contract files.

1204.804-1 Closeout by the office administering the contract.

(a) (FAR) 48 CFR Subpart 4.804 outlines detailed procedures for closing out contract files. The file is normally closed out by the contracting office administering the contract; however, as permitted by (FAR) 48 CFR Subpart 42.2, there may be instances where the file is administered by a Government agency or OA other than that which awarded the contract.

(b) A contract cannot be closed out until all terms and conditions of the contract have been satisfied by the contractor and the Government.

1204.804-170 Monitoring contract closeouts.

(a) *Policy.* Administrative Contracting Officers (ACO) (see TAM 1242.201) are responsible for ensuring that contracts under their cognizance are closed out within the time standards set forth under (FAR) 48 CFR 4.804-1. Compliance with these standards may be beyond the ACO's control in situations where necessary administrative actions are required by others (e.g., cognizant audit agency, contractor, etc.). However, the ACO shall maintain close liaison with these entities to ensure that the necessary actions are not unduly delayed and are accomplished.

(b) *Closeout action.* The ACO shall ensure that closeout action commences on the following contract types, within the established timeframes.

(1) *Cost-reimbursement contract.* Closeout action (i.e., request for final audit, closing documents, etc.) shall commence within five working days after receipt and acceptance of all contract deliverables under the contract.

(2) *Fixed-price contract.* The contract shall be closed out and disposed of within 14 working days after final payment is made under the contract.

(c) *Tracking system.* The COCO shall develop an automated or manual contract closeout tracking information system to identify those contracts which are physically completed and ready for closeout, but have not been administratively closed out and disposed of in accordance with (FAR) 48 CFR 4.8, (TAR) 48 CFR 1204.8, and this subchapter.

(d) *System set-up.* Physically completed contracts which are not administratively closed out shall be entered into the tracking system. At a minimum, the system shall include the following information:

- (1) Contract number;
- (2) Contractor name;
- (3) Last modification number;
- (4) Total amount obligated under the contract (e.g., price; total estimated contract amount, including fee (if any); etc.);
- (5) Total amount paid the contractor under the contract;
- (6) Type of contract (identified by the following codes):
 - (i) FFP - for Firm-Fixed Price;
 - (ii) FFP/EPA - for Firm-Fixed-Price with Economic Price Adjustment;
 - (iii) FPI - for Fixed-Price-Incentive;
 - (iv) FP/PPR - for Fixed-Price with Prospective Price Redetermination;
 - (v) FC/RPR - for Fixed-Ceiling with Retroactive Price Redetermination;
 - (vi) FP/LOE - for Fixed-Price, Level-Of-Effort;
 - (vii) C - for Cost, no fee;
 - (viii) CPAF - for Cost-Plus-Award-Fee;
 - (ix) CPIF - for Cost-Plus-Incentive Fee;
 - (x) CPFF - for Cost-Plus-Fixed-Fee;
 - (xi) CS - for Cost-Sharing
 - (xii) IDDQ - for Indefinite Delivery Definite Quantity;
 - (xiii) IDIQ - for Indefinite Delivery Indefinite Quantity;
 - (xiv) REQ - for Requirements;
 - (xv) T&M - for Time and Materials; and

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(xvi) LH - for Labor Hour.

(7) Date contract was physically completed;

(8) Date of final payment;

(9) Status of closeout;

(10) Date final audit requested;

(11) Date status of final audit was requested; and

(12) Anticipated date contract will be closed out.

(e) *System maintenance.* The closeout system shall be reviewed by the COCO and updated quarterly to reflect the latest status of the contract closeout and disposal. The system shall be made available for ready reference and review by DOT and other management and review groups.

1204.804-5 Detailed procedures for closing out contract files.

(b) ACOs shall use Appendix B, Contract Completion Statement, to satisfy the requirements of (FAR) 48 CFR 4.804-5(b).

I 1204.805 Storage, handling, and disposal of contract files.

(a) DOT Order 1324.2 series, DOT Records Retention and Disposal Program, sets forth procedures for handling, storing and disposing of all files, including contract files, established by DOT. ACOs shall seek the guidance of their OA's records management officer (RMO) or their records liaison officer (RLO) for additional information concerning the requirements of the DOT Order. GSA is authorized by law to establish, operate, and maintain records centers for Federal agencies. The list of Federal Records Centers (FRC) is provided at 44 U.S.C. §2907.

(b) Files sent to a FRC must have a disposal date annotated on the front of the file. This is the date the file can and will be destroyed by the FRC. ACOs shall determine this date based on the retention period specified in (FAR) 48 CFR 4.805. Since the documents listed under (FAR) 48 CFR 4.805 are normally retained in one file in the contracting office, contract documents exceeding \$25,000 shall not be disposed of earlier than 6 years and 3 months (3 years for those valued at \$25,000 or less), after final payment has been made to the contractor.

(c) Prior to disposal of a file, it may become necessary to retrieve a file from the FRC; therefore, ACOs should ensure that the RMO or RLO maintains a record of the files sent to the FRC.

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APPENDIX A

The following is not an all inclusive listing of reporting requirements. There may be other procurement related reports which may be required by statute, the FAR, or other agency regulations.

REPORTING REQUIREMENTS

TITLE OF REPORT	REFERENCE	DATE DUE	WHERE
Report of Proposed Federal Construction*	TAM 1236; 29 CFR 1.4	Annually; March 30	DOT, M-60
Report of Contractor Held Property*	(FAR) 48 CFR Part 45; (TAR) 48 CFR/TAM 1245	Annually; October 31	DOT, M-40
Major Preference Program Goals and Achievements Report*	TAM 1219	Monthly; the 20th	DOT, S-40
Semi-annual Labor Enforcement Report*	(FAR) 48 CFR Part 22; TAM 1222.4; 29 CFR 5.7(b)	Semi-annually; April 25 and October 25	DOT, M-60
Resource Conservation and Recovery Act Report*	(TAR) 48 CFR/TAM 1223.4; Pub. L. 98-616; E.O. 12780	Annually; December 1	DOT, M-60
SF 281, FPDS Summary Contract Action Report (\$25,000 or Less)	(FAR) 48 CFR Part 4.6	Quarterly; January 25, April 25, July 25, and October 25	DOT, M-60
SF 294, Subcontracting Report for Individual Contracts	(FAR) 48 CFR 19.7; SF 294	Semi-annually; April 30; October 30	Contracting Officer and S-40
SF 295, Summary Subcontract Report	(FAR) 48 CFR 19.7; (TAR) 48 CFR 1252.219-70	See reverse of SF 295	DOT, S-40

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APPENDIX A

REPORTING REQUIREMENTS (con't)

TITLE OF REPORT	REFERENCE	DATE DUE	WHERE
Undefinitized Contract Action (UCA) Report*	TAM 1243.70	Upon request from M-60	DOT, M-60
Value Engineering Report*	OMB Circular A-131	Annually; December 7	VOLPE, NTSC (DTS-801)
Report on Federal Support to Universities, Colleges, and Nonprofit Institutions	Section 3(a)(7) of the National Science Foundation Act	Annually; February 15	DOT, RSPA (Code DRT-1)
Annual Procurement Plan* (APP) Initial and Update	Pub. L. 100-656; TAM 1207	Sept 15 (Init.) and Apr 15 (Update)	DOT, S-40

For those reports with an (*), if there was no activity for the period being reported, a negative response for the period must be submitted to the requiring office.

**INSTRUCTIONS FOR PREPARING STANDARD FORM 281,
"FPDS SUMMARY CONTRACT ACTION REPORT(\$25,000 OR LESS)"**

I. General.

- A. A summary report, Standard Form (SF) 281, is required to report all procurement actions of \$25,000 or less which are not otherwise reported individually to the Contract Information System (CIS). You may choose to enter delivery orders under delivery order contracts in the CIS. The CIS will accept actions with a dollar value greater than \$1. A sample of this report is shown in the Attachment 1.
- B. The SF-281 reports are **NOT** cumulative. Each report is for a given fiscal quarter and not a total figure through the fiscal year.

II. Submission and Timing.

Procurement Offices shall forward the SF-281 to their Headquarters offices within 15 days after the end of each quarter. Headquarters offices shall submit a consolidated report for all procurement offices in their operating administration to the Office of Acquisition and Grant Management (M-60) within 25 days after the end of each quarter. The Headquarters offices are authorized to report this data on floppy disks (MSEXCEL) in lieu of the SF-281. The Headquarters offices should contact M-60 for information on the required format for disk reporting. The schedule for submission shall be as follows:

Quarter Ending	Procurement Offices Submit SF-281 to Headquarters by	Consolidated SF-281 due in M-60 by
December 31	January 15	January 25
March 31	April 15	April 25
July 31	March 15	July 25
September 30	October 15	October 25

III. Line Item Entries.

A. Heading

Report Period. Enter report period dates in the space provided. In the "FY" block, enter the last two digits of the fiscal year. In the "Qtr" block, enter the appropriate digit for the fiscal quarter (1 to 4) (For Example: 3rd quarter report for Fiscal Year 1996 would be report as "96" and "3")

- 1. **Report Type.** Mark "original" if this is the original submission for a given quarter. Mark "revision" if this is a change or deletion to a previously submitted report. The data on the revision form will replace **all data** from the previous submission.

2. **Reporting Agency Code.** Enter one of the following 4 position codes from the Federal Information Processing Standards (FIPS) 95.

6900	St. Lawrence Seaway Development Corporation
6901	Transportation Administrative Service Center
6920	Federal Aviation Administration
9625	Federal Highway Administration
6930	Federal Railroad Administration
6938	Maritime Administration
6940	National Highway Traffic Safety Administration
6943	Research and Special Programs Administration
6950	Coast Guard
6955	Federal Transit Administration

1. **Reporting Agency Name.** Enter applicable agency name from paragraph III, 3. above.
2. **Contracting Office Code.** Enter reporting procurement office code as found in the listing of "DOT Procurement Offices" (Attachment 2). When Headquarters offices submit their consolidated report to M-60, they shall enter their applicable office symbol, i.e., ASU-130, in this block.
3. **Contracting Office Name.** As applicable.

A. Before you begin you need to under the following terms:

1. **Counting of Actions.** Count as an action each contract, purchase order, call against a blanket purchase agreement, order against basic ordering agreement, delivery order, or modification that obligates or deobligates funds during the report period.
2. **Entering Dollar Amounts.** Enter the dollar amount in thousands, rounded to the nearest thousand, and **omit the three terminal zeroes**. For example, \$2,500 shall be entered as \$3; \$2,499.99 as \$2. The amounts entered in the Total Column or on the Total Line shall be the total of the subtotals.
3. **Column Entries.** The data in all lines and columns, will include both new awards and modifications, with the exception of Line 12 which is for modifications only.

B. **PART I. PRIME CONTRACT ACTIONS OF \$25,000 OR LESS**

1. Detail Column entries are as follows:

- a) **Column (a)** is for the number of **actions**.

- b) **Column (b)** is for net dollars to small businesses. (See FAR 19.001 for the definition of a small business. Do report 8(a) contracts in this column
- c) **Column (c)** is for net dollars to large businesses. (See FAR 10.001 for the definition of a large business..)
- d) **Column (d)** is for net dollars to both domestic contractors performing outside the United States and to foreign contractors. (A Domestic Contractor is a source located inside the US and its outlying areas, but where the principle place of performance will be outside the US and its outlying areas. A Foreign Contractor is a source outside the US and its outlying areas or a Foreign Government.
- e) **Column (e)** is for net dollars to any other entity which does not fall within the definitions of columns (b) through (d), and include State and local governments, educational institutions and non-profit or not-for-profit organizations, and Federal Prison Industries, i.e., UNICOR.
- f) **Column (f)** is the sum of columns (b) through (e) for lines 3 through 7 and lines 9 and 10. (NOTE: Lines 8 and 11 do not add across because lines 1 and 2 are excluded from columns (b) through (e) but reported in column (f)).

2. Detailed Line Item Entries

NOTE: Report actions and net dollars to Federal Prison Industries, i.e., UNICOR, in Part I only.

- a) **LINE 1 - Tariff or Regulated Acquisitions.** Report the total actions and net dollars for tariff or regulated industry actions. (A Tariff or Regulated Acquisition is where the supplier is a sole source and service rates are fixed or adjusted by a Federal, State or other public regulatory body). Report pre-CICA and post-CICA contract actions. These actions shall only be reported and counted in Part I. These actions and dollars should NOT be reported in PART II.
- b) **LINE 2 Contract for Foreign Government or International Organization.** Report the total actions and net dollars for contracts for a foreign government or international organization. (This is defined when a Foreign Government or an International Organization has provide the funding for these awards. NOTE: DO NOT report awards "TO" a Foreign Government or International Organization. These actions shall only be reported and counted in Part I. These actions and dollars should NOT be reported in PART II.

- c) **LINE 3 -Purchases Using Simplified Acquisition Procedures (FAR Part 13).** Report the total actions and net dollars for purchases made pursuant to FAR Part 13, excluding imprest funds, credit card, and SF-44 actions.
- d) **LINE 4 - Orders - GSA Schedules Only.** Report the total actions and net dollars for orders placed under GSA Federal Supply Schedule contracts.
- e) **LINE 5 - Orders - Other Federal Schedules.** Report the total actions and net dollars for orders placed under Federal Supply Schedule contracts other than those of GSA; e.g., Department of Veterans Affairs or the Office of Personnel Management.
- f) **LINE 6 - All Other Orders.** Report the total actions and net dollars for orders placed under indefinite delivery contracts (other than Federal Supply Schedule contracts) and basic ordering agreements.
- g) **LINE 7 Other Procurement Methods.** Report the total actions and net dollars for any action reportable on the SF-281, and not falling into any of the categories in Lines 1 through 6. This line includes 8(a) awards, sheltered workshop awards, and UNICOR awards.
- h) **LINE 8 - Total New Awards and Modifications.** Report the totals of Lines 1 through 7 in this row. Note for Columns "b" through "e", you will only have totals for Lines 3 through 7.
- i) **LINE 9 - Competed.** Report the portions of Line 8 (total actions and net dollars) which were competitively awarded. Competed actions include actions \$25,000 or less when any of the following conditions apply:
 - Simplified Acquisition procedures were used and competition was obtained.
 - Competitive procedures were used to fulfill the requirement for full and open competition (reference FAR 6.1).
 - Full and open competition was provided for after exclusion of sources, in order to establish/maintain alternative sources, to set-aside a procurement for small business to compete 8(a) awards (reference FAR 6.2).

Statutory authorities for other than full and open competition were used (reference FAR 6.3), and more than one offer was received. NOTE: Any procurement authorized or required by statute to be awarded to a specified source, e.g., 8(a) awards that are sole source; brand name commercial products for authorized resale; or awards for utilities (except telecommunications) are excluded from Line 9 and should be reported under Line 11.

- Contract action resulted from a contract awarded prior to CICA that used two-step formal advertising, other formal advertising, or was negotiated competitively.
- a) **LINE 10 - Not Competed.** Report the portions of Line 8 (total actions and net dollars) which were not competitively awarded. Contract actions that were Not Available for Competition are to be reported in Line 11.
- b) **LINE 11 - Not Available for Competition.** Report the portions of Line 8 (total actions and net dollars) which were not available for competition. Actions \$25,000 or less are not available for competition when any of the following conditions apply:
 - Awards for utilities (excluding telecommunications) where there is no opportunity for competition. (Line 1). Local telecommunication dial tone services should be reported as not available for competition.
 - Contract funded by foreign government or international organization. (Line 2)
 - Brand name commercial products for authorized resale.
 - Procurements authorized or required by statute to be awarded to a designated source.
 - Sole source 8(a) awards, pursuant to FAR 6.302-5(b)(4).
 - Micro-purchases not over 10 percent of the simplified acquisition threshold limitation where competition was not obtained, pursuant to FAR 13.106(a).
 - Other contract actions where the agency has determined that there is no opportunity for competition.
- a) **LINE 12 - Total Modifications** Report the portions of Line 8 (total actions and net dollars), excluding FAR Part 13 simplifies acquisitions reported in Line 3, which were modifications (not new awards).

A. PART II. SELECTED SOCIOECONOMIC STATISTICS

- a) **LINE 13 -Small Business Set-Aside** Report the total actions and net dollars for awards (including SBIR) made under the small business set-aside or partial small business set-asides awarded pursuant to FAR 13.105 and 19.502-2, or 19.502-3.

- b) **LINE 14 -Small Disadvantaged Business Set-Aside.** Report the total actions and net dollars for awards made under the small disadvantaged business set-aside program pursuant to FAR Part 19/
- c) **LINE 15 -8(a) Contract Awards.** Report the total actions and net dollars for awards made under Section 8(a) of the Small Business Act pursuant to FAR 19.8.
- d) **LINE 16 -Small Business.** Report the total actions and net dollars for awards to small business concerns as defined in FAR Part 19.001. This includes awards to small disadvantaged business concerns, and women owned small business concerns.
- e) **LINE 17 - Small Disadvantaged Business.** Report the total actions and net dollars for awards made to a small disadvantaged business concern (including an individual who is both socially and economically disadvantaged) as defined in FAR 19.001. Note that this includes all 8(a) concerns (which are reported under Line 15 above) but excludes minority-owned large business concerns.
- f) **LINE 18 -Woman-Owned Small Business.** Report the total actions and net dollars for awards made to a woman-owned small business as certified in response to FAR 52.219-13.
- g) **LINE 19 - JWOD Nonprofit Agency.** Report the total actions and net dollars for awards to a nonprofit agency employing people who are blind or severely disabled (referred to as JWOD Participating Nonprofit Agency) as defined in FAR 8.7 which implements the Javits-Wagner-O'Day Act (JWOD). JWOD nonprofit agency was formerly referred to as a shelter workshop.
- h) **LINE 20 -HBCU/MI.** Report the total actions and net dollars for awards to historically black colleges and universities, or minority institutions. See Attachment X to Appendix D for a listing of these institutions.

DOT PROCUREMENT OFFICES**FEDERAL AVIATION ADMINISTRATION**

- 01 Contracts Division (ASU-130), Rm 439W
 800 Independence Avenue, S.W.
 Washington, DC 20591
- 02 Monroney Aeronautical Ctr., Office of Acquisition (AMQ-1),
 6500 South MacArthur Blvd., Rm 312D
 Oklahoma City, OK 73125
- 03 FAA Technical Center
 Logistics Division (ACT-50)
 Atlantic City Airport, NJ 08405-0001
- 04 Alaskan Region, Logistics Division,
 222 W. 7th Avenue
 Anchorage, AK 99513-7587
- 05 Eastern Region, Logistics Division (AEA-55),
 Fitzgerald Federal Bldg. No. 111, John F. Kennedy Inter.Airport,
 Jamaica, NY 11430
- 06 Southern Region, ASO-55
 1701 Columbia Ave.
 College Park, GA 30337
- 07 Southwest Region, Logistics Division (ASW-55),
 4400 Blue Mound Rd.
 Fort Worth, TX 76106
- 08 Western/Pacific Region,
 15000 Aviation Blvd., Rm 5018
 Lawndale, CA 90261
- 09 Central Region, Logistics Division (ACE-55),
 601 East 12 th St., Rm. 1524
 Kansas City, MO 64106
- 11 Northwest/Mountain Region, Logistics Division (ANM-55),
 1601 Lind Avenue, SW.
 Renton, WA 98055-4056

DOT PROCUREMENT OFFICES

- 12 New England Region, Logistics Division (ANE-55),
12 New England Executive Park
Burlington, MA 01803
- 14 Great Lakes Region, Fiscal & Material Services,
Acquisition Mgt. Staff, (AGL-72)
2300 East Devon Avenue.
Des Plaines, IL 60018

FEDERAL HIGHWAY ADMINISTRATION

- 61 Washington Office, Office of Contracts and Procurement (HCP-20),
400 7th Street, SW, RM 4404
Washington, DC 20590
- 62 Region One,
Clinton Avenue & N. Pearl St., Rm. 719
Albany, NY 12207
- 63 Region Three,
10 South Howard St. Suite 400
Baltimore, MD 21201
- 64 Region Four,
1720 Peachtree Rd, NW., Suite 200
Atlanta, GA 30367
- 65 Region Five,
18209 Dixie Highway
Homewood, IL 60430
- 66 Region Six,
819 Taylor Street, Rm 8A00
Fort Worth, TX 76102
- 67 Region Seven, 6301 Rockhill Rd.,
P.O. Box 419715, Main Post Office
Kansas City, MO 64141

DOT PROCUREMENT OFFICES

- 68 Central Federal Lands Hwy. Div.,
555 Zang Street, P.O. Box 25246
Denver, CO 80225-0246
- 69 Region Nine,
211 Main Street, RM 1100
San Francisco, CA 94105
- 70 Western Federal Lands Hwy. Div., Contracts and Procurement Unit,
610 East Fifth Street
Vancouver, WA 98661-3893
- 71 Eastern Federal Lands Hwy. Div., Loudoun Technical Ctr.,
21400 Ridgetop Circle, RM 309
Sterling, VA 20166
- 72 Region Ten, KOIN Ctr., Suite 600,
222 S.W. Columbia Street
Portland, OR 97201
- 73 Region Eight,
555 Zang St., RM. 400
Lakewood, CO 80228

MARITIME ADMINISTRATION

- 91 Headquarters, Office of Acquisition (MAR-380),
400 7th Street S.W., Rm. 7314
Washington, DC 20590
- 92 Procurement Office, South Atlantic Region,
7737 Hampton Blvd., Bldg. 4d, Suite 211
Norfolk, VA 23505
- 93 Procurement Office, Central Region,
Canal Place One, 365 Canal Street, Suite 2590
New Orleans, LA 70130-1137

DOT PROCUREMENT OFFICES

- 94 Procurement Office, Western Region,
201 Mission St., Suite 2200
San Francisco, CA 94105
- 95 Procurement Office, Merchant Marine Academy,
Furuset Hall, Room 212
Kings Point, NY 11024-1699
- 97 Headquarters, Office of Ship Construction (MAR-720),
400 7th Street SW, Rm. 7317
Washington, DC 20590

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

- 22 Office of Contracts and Procurement (NAD-30),
400 7th Street, SW, RM 5301
Washington, DC 20590

FEDERAL RAILROAD ADMINISTRATION

- 53 Office of Acquisition and Grants Services,
400 7th Street, SW, RAD-30, RM 8222
Washington, DC 20590

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

- 56 Office of Contracts & Procurement (DMA-30),
400 7th Street, SW, RM 8321
Washington, DC 20590
- 57 Volpe National Transportation Sys. Ctr.,
Acquisition Division (DTS-85)
Kendall Square
Cambridge, MA 02412

DOT PROCUREMENT OFFICES

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

- 55 Ms. Janet Brownell, Contract Specilist, 180 Andrews St.
P.O. Box 520
Massena, NY 13662-0520

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

- 59 Procurement Operations Division,
400 7th Street, SW, RM 9413
Washington, DC 20590

FEDERAL TRANSIT ADMINISTRATION

- 60 Office of Procurement (TAD-40),
400 7th Street, SW, RM 7405
Washington, DC 20591

UNITED STATES COAST GUARD

- 23 Commandant (G-ACS-4B),
2100 Second Street, SW., RM 5218
Washington, DC 20593
- 24 Commander (fp) USCG Integrated Support Command, Boston,
427 Commercial Street
Boston, MA 02209-1027
- 25 Commander (fp) USCG Integrated Support Command, St. Louis,
1222 Spruce St.
St. Louis, MO 63103-2838
- 26 Commanding Officer, National Strike Force Coordination Ctr.,
1023 U. S. 17 South, Suite 1
Elizabeth City, NC 27909

DOT PROCUREMENT OFFICES

- 27 Commander, USCG Integrated Support Command, Portsmouth,
Comptroller, 4000 Coast Guard Blvd.
Portsmouth, VA 23704-2199
- 28 Commander (fp) USCG Integrated Support Command, Miami,
909 SE First Ave.
Miami, FL 33131-3050
- 29 Commander, USCG Integrated Support Command, New Orleans,
4640 Urquhart St.
New Orleans, LA 70117-4698
- 30 Commander, USCG Integrated Support Command, Cleveland,
1240 East 9th St.
Cleveland, OH 44199-2060
- 31 Commander, USCG Integrated Support Command, Alameda,
Coast Guard Island, Bldg. 42
Alameda, CA 94501-5100
- 32 Commanding Officer, Research & Development Ctr.,
1082 Shennecossette Rd., Avery Point
Groton, CT 06340-6096
- 33 Commander (fp) USCG Integrated Support Command, Seattle,
1519 Alaskas Way S.
Seattle, WA 98134-1192
- 34 Commander, USCG Integrated Support Command, Honolulu,
Sand Island Access Rd
Honolulu, HI 96816-2463
- 35 Commander, USCG Integrated Support Command, Ketchikan,
709 West Ninth St., PO Box 25517
Juneau, AK 99801-1217
- 37 Commander, USCG Integrated Support Command, San Pedro,
1001 Seaside Ave.
San Pedro, CA 90731

DOT PROCUREMENT OFFICES

- 38 Commanding Officer, Aircraft Repair & Supply Center,
Contract Analysis Section, Bldg.63
Elizabeth City, NC 27909-5001

- 39 Superintendent , USCG Academy (fp)
15 Mohegan Avenue
New London, CT 06320-4195

- 40 Commanding Officer, Coast Guard Engineering Logistics Center
2401 Hawkins Point Rd., Building 31, Mail Stop 26
Baltimore, MD 21226-5000

- 41 Commanding Officer (FCP)
Reserve Training Center
Yorktown, VA 23690-5000

- 42 Commanding Officer (FCP)
US Coast Guard Training Center
Cape May, NJ 08204-5092

- 44 U. S. Coast Guard, BUSL Project Resident Office
% Maritime Contractors, 201 Harris Ave.
Bellingham, WA 98225

- 45 Commander, USCG Integrated Support Command, Kodiak,
P.O. Box 190023
Kodiak, AK 96619-5023

- 46 Commander, National Pollution Funds Ctr.,
4200 Wilson Blvd., Suite 1000
Arlington, VA 22203-1804

- 47 Commanding Officer, Facilities Design &
Construction Ctr. (Atlantic)
5505 Robin Hood Rd., Suite K
Norfolk, VA 23513-2400

- 48 Commanding Officer (COMPTDIV)
Aviation Training Ctr
Mobile, AL 36608-9682

DOT PROCUREMENT OFFICES

- 49 Commanding Officer, US Coast Guard Training Ctr.,
599 Tomales Rd., Building 165
Petaluma, CA 94952-5000
- 50 Commanding Officer (FCP), Facilities Design
 & Construction Ctr., (Pacific)
915 Second Ave., Rm 2664
Seattle, WA 98174-101
- 51 Commanding Officer, Human Resources Services
 Information Center (HRSIC)
Federal Building, 444 S. E. Quincy St
Topeka, KS 66683-3591
- 79 Commander, Information Systems Center
7323 Telegraph Rd.
Alexandria, VA 22315-3940
- 80 Commanding Officer (VPL), Maintenance & Logistics Com.-Atlantic
Vessels Division, 300 East Main Street, Suite 600
Norfolk, VA 23510-9102
- 82 Commanding Officer, Civil Engineering Unit, Miami,
15608 SW 117th Ave.
Miami, FL 33177-1630
- 83 Commanding Officer, Civil Engineering Unit, Cleveland,
1240 East 9th St.
Cleveland, OH 44199-2060
- 84 Commander (FCP), Maintenance & Logistics Command - Atlantic,
Finance Division, 300 East Main Street, Suite 965
Norfolk, VA 23510-9113
- 85 Commander (V), Maintenance & Logistics Command - Pacific,
Coast Guard Island
Alameda, CA 94501-5100
- 86 Contracting Officer, Civil Eng. Unit, Honolulu,
300 Ala Moana, Rm. 8122
Honolulu, HI 96850-4892

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DOT PROCUREMENT OFFICES

- 87 Contracting Officer, Civil Engineering Unit, Juneau,
P.O. Box 3-5000
Juneau, AK 99802-1217
- 88 Contracting Officer, Civil Engineering Unit, Oakland,
2000 Embarcadero, Suite 200
Oakland, CA 94606-5000
- 89 Commander (FCP), Maintenance & Logistics Command - Pacific,
Coast Guard Island
Alameda, CA 94501-5100
- 90 Commanding Officer,
Finance Center, 1430A Kristina Way
Chesapeake, VA 23320-8917
- C1 Comandant (G-CPM),
2100 Second Street, SW., RM 2606
Washington, DC 20593
- G1 Commanding Officer, Civil Engineering Unit, Providence,
300 Metro Center Blvd.
Warwick, RI 02886
- G2 Commanding Officer
Atlantic Strike Team, Box 68
Fort Dix, NJ 08640-0068
- G3 Commanding Officer, Operations Systems Center,
P.O. Box 1358
Martinsburg, WV 25401
- G4 Commanding Officer, PMRO,
% Avondale Industries, Inc., 5100 River Rd., Stop 128
Avondale, LA 70094-2793
- G5 Commanding Officer, PRO Marinette,
1600 Ely Street
Marinette, WI 54143

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ATTACHMENT 2

DOT PROCUREMENT OFFICES

- G6 Commanding Officer
 Technical Training Ctr.
 Elizabeth City, NC 27909-5003

- G7 Commanding Officer, Recruiting Center,
 4200 Wilson Blvd.
 Arlington, VA 22203-1804

- G8 Commander, Hdq. Support Command, Logistics and
 Small Purchasing
 HSC(a-3), 2100 Second Street, SW
 Washington, DC 20593

- G9 Commander, Uniform Distribution Center
 C/O USCG Training Center
 Cape May, NJ 08204

TAM NOTE 97-01**ATTACHMENT 3
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DUNS NUMBER	HISTORICAL BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS	STATE ABBREV.
079121448	ALABAMA A&M UNIVERSITY	AL
040672685	ALABAMA STATE UNIVERSITY	AL
010402279	ATMORE STATE TECHNICAL COLLEGE	AL
020872420	BISHOP STATE COMMUNITY COLLEGE	AL
039531587	C A FREDD STATE TECHNICAL COLLEGE	AL
797414273	CHAUNCEY SPARKS STATE TECHNICAL COLLEGE	AL
082053802	CONCORDIA COLLEGE	AL
082151614	DRAUGHONS JUNIOR COLLEGE	AL
039526595	J F DRAKE STATE TECHNICAL COLLEGE	AL
067109926	LAWSON STATE COMMUNITY COLLEGE	AL
075460758	MILES COLLEGE	AL
072095326	OAKWOOD COLLEGE	AL
072093180	SELMA UNIVERSITY	AL
075460931	STILLMAN COLLEGE	AL
079114195	TALLADEGA COLLEGE	AL
119842276	TRENHOLM STATE TECHNICAL COLLEGE	AL
128214178	TUSKEGEE UNIVERSITY	AL
075640458	ARKANSAS BAPTIST COLLEGE	AR
053141982	PHILANDER SMITH COLLEGE	AR
010314466	SHORTER COLLEGE	AR
627198211	UNIVERSITY OF ARKANSAS AT PINE BLUFF	AR
080670136	AMER. INDIAN COLL. ASSEMBLIES OF GOD INC	AZ
072438799	ARIZONA WESTERN COLLEGE	AZ
074457169	CENTRAL ARIZONA COLLEGE	AZ
074457425	COCHISE COLLEGE	AZ
139448765	ITT TECHNICAL INSTITUTE-TUCSON	AZ
139538318	NAVAJO COMMUNITY COLLEGE	AZ
068414630	PIMA COMMUNITY COLLEGE	AZ
112801501	SOUTH MOUNTAIN COMMUNITY COLLEGE	AZ
091847707	AMERICAN BAPTIST SEMINARY OF THE WEST	CA
020167425	BAKERSFIELD COLLEGE	CA
040366486	CA STATE POLYTECHNIC UNIVERSITY-POMONA	CA
103895579	CA STATE UNIVERSITY-DOMINGUEZ HILLS	CA
066697590	CA STATE UNIVERSITY-LOS ANGELES	CA
602064909	CALIFORNIA STATE UNIVERSITY-BAKERSFIELD	CA
071896773	CERRITOS COLLEGE	CA
071680961	CHABOT COLLEGE	CA
076084326	CHAFFEY COMMUNITY COLLEGE	CA
066228859	CITRUS COLLEGE	CA
089179196	COLLEGE OF ALAMEDA	CA
030975692	COLLEGE OF THE SEQUOIAS	CA
028041333	CONTRA COSTA COLLEGE	CA

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DUNS NUMBER	HISTORICAL BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS	STATE ABBREV.
071538110	D-Q UNIVERSITY	CA
152397204	DEVRY INSTITUTE OF TECHNOLOGY-POMONA	CA
010714723	DON BOSCO TECHNICAL INSTITUTE	CA
608071973	EAST LOS ANGELES COLLEGE	CA
804002574	EL CAMINO COLLEGE	CA
010920361	EVERGREEN VALLEY COLLEGE	CA
362276354	FASHION INST OF DESIGN & MERCH-SAN DIEGO	CA
068869734	FRESNO CITY COLLEGE	CA
159309988	GAVILAN COLLEGE	CA
087016606	HARTNELL COLLEGE	CA
071868988	HEALD BUSINESS COLLEGE-SAN FRANCISCO	CA
078745197	IMPERIAL VALLEY COLLEGE	CA
603926247	ITT TECHNICAL INST-SAN BERNARDINO	CA
054701560	ITT TECHNICAL INSTITUTE-ANAHEIM	CA
363811100	ITT TECHNICAL INSTITUTE-CARSON	CA
120419239	ITT TECHNICAL INSTITUTE-SAN DIEGO	CA
065127243	ITT TECHNICAL INSTITUTE-WEST COVINA	CA
071874416	KINGS RIVER COMMUNITY COLLEGE	CA
627599988	LA SIERRA UNIVERSITY	CA
155923121	LANEY COLLEGE	CA
072316888	LONG BEACH CITY COLLEGE	CA
627980758	LOS ANGELES CITY COLLEGE	CA
133294884	LOS ANGELES HARBOR COLLEGE	CA
080073836	LOS ANGELES MISSION COLLEGE	CA
072266174	LOS ANGELES SOUTHWEST COLLEGE	CA
042404848	LOS ANGELES TRADE TECHNICAL COLLEGE	CA
074667072	MERCED COLLEGE	CA
076567718	MERRITT COLLEGE	CA
098541279	MISSION COLLEGE	CA
069927150	MOUNT SAINT MARYS COLLEGE	CA
077228344	MT SAN ANTONIO COLLEGE	CA
030852388	OXNARD COLLEGE	CA
076051663	PALO VERDE COLLEGE	CA
082196171	PASADENA CITY COLLEGE	CA
077916492	PHILLIPS COLLEGE INLAND EMPIRE CAMPUS	CA
082906371	PHILLIPS JUNIOR COLLEGE	CA
193522166	PORTERVILLE COLLEGE	CA
076070283	RANCHO SANTIAGO COLLEGE	CA
070649124	RIO HONDO COLLEGE	CA
073594228	SAN BERNARDINO VALLEY COLLEGE	CA
073357048	SAN DIEGO CITY COLLEGE	CA
123591612	SAN JOSE CITY COLLEGE	CA
063838635	SAWYER COLLEGE AT VENTURA	CA
041320797	SKYLINE COLLEGE	CA
133486902	SOUTH BAYLO UNIVERSITY	CA
078752888	SOUTHWESTERN COLLEGE	CA

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DUNS NUMBER	HISTORICAL BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS	STATE ABBREV.
154253280	UNIVERSITY OF CALIFORNIA-IRVINE	CA
103001012	UNIVERSITY OF CALIFORNIA-LOS ANGELES	CA
173848235	UNIVERSITY OF CALIFORNIA-RIVERSIDE	CA
115034381	VENTURA COLLEGE	CA
080121718	WEST HILLS COMMUNITY COLLEGE	CA
045551488	WEST LOS ANGELES COLLEGE	CA
059782540	WHITTIER COLLEGE	CA
052390010	WOODBURY UNIVERSITY	CA
040705899	ADAMS STATE COLLEGE	CO
795493709	COMMUNITY COLLEGE OF DENVER	CO
089498182	OTERO JUNIOR COLLEGE	CO
796259703	PUEBLO COMMUNITY COLLEGE	CO
136215204	TRINIDAD STATE JUNIOR COLLEGE	CO
805862927	CAPITAL COMMUNITY-TECHNICAL COLLEGE	CT
075408427	HOUSATONIC COMMUNITY-TECHNICAL COLLEGE	CT
056282296	HOWARD UNIVERSITY	DC
835653650	STRAYER COLLEGE-TAKOMA PARK CAMPUS	DC
069390466	STRAYER COLLEGE-WASHINGTON CAMPUS	DC
074810110	TRINITY COLLEGE	DC
137460275	UNIVERSITY OF THE DISTRICT OF COLUMBIA	DC
114337629	DELAWARE STATE UNIVERSITY	DE
182905521	ATI HEALTH EDUCATION CENTER	FL
078315918	BETHUNE COOKMAN COLLEGE	FL
061521597	CARIBBEAN CTR FOR ADV STUDIES-MIAMI INST	FL
098529357	CONCORDE CAREER INSTITUTE	FL
065916280	EDWARD WATERS COLLEGE	FL
054413125	FL AGRICULTURAL AND MECHANICAL UNIV	FL
071298814	FLORIDA INTERNATIONAL UNIVERSITY	FL
077273951	FLORIDA MEMORIAL COLLEGE	FL
181560335	FORT LAUDERDALE COLLEGE	FL
938447679	JONES COLLEGE-MIAMI CAMPUS	FL
073129249	MIAMI-DADE COMMUNITY COLLEGE	FL
071290571	NAT'L EDUCATION CTR-BAUDER COLLEGE CAMPUS	FL
072227994	PROSPECT HALL SCHOOL OF BUSINESS	FL
134931427	SAINT JOHN VIANNEY COLLEGE SEMINARY	FL
072214760	SAINT THOMAS UNIVERSITY	FL
077270056	TRINITY COLLEGE AT MIAMI	FL
854811353	COLLEGE OF MICRONESIA-FSM	FM

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DUNS NUMBER	HISTORICAL BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS	STATE ABBREV.
030052815	ALBANY STATE COLLEGE	GA
193349420	ALBANY TECHNICAL INST	GA
073437188	ATLANTA METROPOLITAN COLLEGE	GA
072470958	BEULAH HEIGHTS BIBLE COLLEGE	GA
065325177	CLARK ATLANTA UNIVERSITY	GA
125178137	COLUMBUS TECHNICAL INST	GA
185674256	DEKALB TECHNICAL INST	GA
148488067	DEVRY INST OF TECHNOLOGY	GA
056212145	DRAUGHONS COLLEGE-ATLANTA	GA
073459083	FORT VALLEY STATE COLLEGE	GA
557318847	GEORGIA MILITARY COLLEGE FT. MCPHERSON CTR	GA
082824624	GEORGIA MILITARY COLLEGE FT. GORDON CENTER	GA
039496591	INTERDENOINATIONAL THEOLOGICAL CENTER	GA
039497417	MACON TECHNICAL INST	GA
037211109	MASSEY COLLEGE OF BUSINESS AND TECHNOLOG	GA
948153598	MASSEY INST	GA
614679272	MEADOWS JUNIOR COLLEGE	GA
075861773	MOREHOUSE COLLEGE	GA
102005451	MOREHOUSE SCHOOL OF MEDICINE	GA
065352254	MORRIS BROWN COLLEGE	GA
069174522	PAINE COLLEGE	GA
879931509	SAVANNAH STATE COLLEGE	GA
037214509	SAVANNAH TECHNICAL INST	GA
069174407	SPELMAN COLLEGE	GA
778900092	GUAM COMMUNITY COLLEGE	GU
779908151	UNIVERSITY OF GUAM	GU
077698025	HAWAII COMMUNITY COLLEGE	HI
120174081	HONOLULU COMMUNITY COLLEGE	HI
184895852	KAPIOLANI COMMUNITY COLLEGE	HI
062907969	KAUAI COMMUNITY COLLEGE	HI
062908025	LEEWARD COMMUNITY COLLEGE	HI
084556893	MAUI COMMUNITY COLLEGE	HI
188756597	UNIVERSITY OF HAWAII AT HILO	HI
783414741	UNIVERSITY OF HAWAII AT MANOA	HI
009438664	UNIVERSITY OF HAWAII AT WEST OAHU	HI
039299656	WINWARD COMMUNITY COLLEGE	HI
021684295	DIVINE WORD COLLEGE	IA
052326394	AMERICAN ISLAMIC COLLEGE	IL
108109182	CHICAGO STATE UNIVERSITY	IL
069982445	DEVRY INSTITUTE OF TECHNOLOGY	IL
037606936	EAST-WEST UNIVERSITY	IL

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103323879	LEXINGTON INST OF HOSPITALITY CAREERS	IL
835812900	MACCORMAC COLLEGE	IL
039633904	NAES COLLEGE	IL
075631317	ROBERT MORRIS COLLEGE	IL
010961209	SAINT AUGUSTINE COLLEGE	IL
069512408	SPERTUS COLLEGE	IL
152775961	TAYLOR BUSINESS INSTITUTE	IL
189479215	MARTIN UNIVERSITY	IN
030656581	DONNELLY COLLEGE	KS
096534144	HASKELL INDIAN JUNIOR COLLEGE	KS
071317788	KENTUCKY STATE UNIVERSITY	KY
062665468	DILLARD UNIVERSITY	LA
095442083	GRAMBLING STATE UNIVERSITY	LA
008201410	SOUTHERN UNIV AND A&M COLLEGE-BATON ROU	LA
067030783	SOUTHERN NIV-SHREVEPORT-BOSSIER CITY CA	LA
108193707	SOUTHERN UNIVERSITY-NEW ORLEANS	LA
627247844	XAVIER UNIVERSITY OF LOUISIANA	LA
076572882	FRANKLIN INSTITUTE OF BOSTON	MA
878043413	ROXBURY COMMUNITY COLLEGE	MA
050359082	BALTIMORE CITY COMMUNITY COLLEGE	MD
077791614	BOWIE STATE UNIVERSITY	MD
003238474	COLUMBIA UNION COLLEGE	MD
119731867	COPPIN STATE COLLEGE	MD
081059602	MONTGOMERY COLLEGE OF TAKOMA PARK	MD
879941318	MORGAN STATE UNIVERSITY	MD
074819046	PRINCE GEORGES COMMUNITY COLLEGE	MD
074948076	SOJOURNER-DOUGLAS COLLEGE	MD
082611302	UNIVERSITY OF MARYLAND-EASTERN SHORE	MD
N/A	COLLEGE OF THE MARSHALL ISLANDS	MH
074248246	DETROIT COLLEGE OF BUSINESS-DEARBORN	MI
065580292	HIGHLAND PARK COMMUNITY COLLEGE	MI
199945601	JORDAN COLLEGE	MI
098015233	LEWIS COLLEGE OF BUSINESS	MI
078405859	MARYGROVE COLLEGE	MI
076386556	WAYNE COUNTY COMMUNITY COLLEGE	MI

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135933414	ANOKA-HENNEPIN TECHNICAL COLLEGE	MN
104709407	MINNEAPOLIS TECHNICAL COLLEGE	MN
170189989	MN RIVERLAND TECHNICAL COLLEGE-AUSTIN	MN
120460480	MN RIVERLAND TECHNICAL COLLEGE-FARIBAULT	MN
835819061	MN RIVERLAND TECHNICAL COLLEGE-ROCHESTER	MN
120532973	NATIONAL COLLEGE-ST PAUL	MN
134949577	PINE TECHNICAL COLLEGE	MN
120287222	SAINT CLOUD TECHNICAL COLLEGE	MN
037353935	HARRIS-STOWE STATE COLLEGE	MO
071970164	LINCOLN UNIVERSITY	MO
084100718	TAD TECHNICAL INSTITUTE	MO
075084897	ALCORN STATE UNIVERSITY	MS
073528937	COAHOMA COMMUNITY COLLEGE	MS
044507085	JACKSON STATE UNIVERSITY	MS
075474353	MARY HOLMES COLLEGE	MS
073538654	MISSISSIPPI VALLEY STATE UNIVERSITY	MS
094905494	PHILLIPS JUNIOR COLLEGE	MS
073056202	RUST COLLEGE	MS
072618572	TOUGALOO COLLEGE	MS
172612756	BLACKFEET COMMUNITY COLLEGE	MT
028237899	DULL KNIFE MEMORIAL COLLEGE	MT
144176575	FORT BELKNAP COLLEGE	MT
102366432	FORT PECK COMMUNITY COLLEGE	MT
137313631	LITTLE BIG HORN COLLEGE	MT
113488399	SALISH KOOTENAI COMMUNITY COLLEGE	MT
603804691	STONE CHILD COLLEGE	MT
074501909	BARBER-SCOTIA COLLEGE	NC
067439489	BENNETT COLLEGE	NC
052704020	EDGEcombe COMMUNITY COLLEGE	NC
066024357	ELIZABETH CITY STATE UNIVERSITY	NC
067188979	FAYETTEVILLE STATE UNIVERSITY	NC
071057806	JOHNSON C SMITH UNIVERSITY	NC
071063440	LIVINGSTONE COLLEGE	NC
071576482	NC AGRICULTURAL AND TECHNICAL ST UNIV.	NC
072026321	NORTH CAROLINA CENTRAL UNIVERSITY	NC
055138861	ROANOKE-CHOWAN COMMUNITY COLLEGE	NC
099813479	ROBESON COMMUNITY COLLEGE	NC
067202846	SAINT AUGUSTINES COLLEGE	NC
075584102	SHAW UNIVERSITY	NC
071579031	WINSTON-SALEM STATE UNIVERSITY	NC

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DUNS NUMBER	HISTORICAL BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS	STATE ABBREV.
097896120	FORT BERTHOLD COMMUNITY COLLEGE	ND
128663556	LITTLE HOOP COMMUNITY COLLEGE	ND
071782437	STANDING ROCK COLLEGE	ND
086110004	TURTLE MOUNTAIN COMMUNITY COLLEGE	ND
076517473	UNITED TRIBES TECHNICAL COLLEGE	ND
618011886	NEBRASKA INDIAN COMMUNITY COLLEGE	NE
155505019	BERKELEY COLLEGE OF BUSINESS	NJ
010893428	BLOOMFIELD COLLEGE	NJ
160946851	ESSEX COUNTY COLLEGE	NJ
010903318	HUDSON COUNTY COMMUNITY COLLEGE	NJ
064279243	PASSAIC COUNTY COMMUNITY COLLEGE	NJ
010899748	UPSALA COLLEGE	NJ
075754036	ALBUQUERQUE TECHNICAL VOCATIONAL INST.	NM
031594914	COLLEGE OF THE SOUTHWEST-CARLSBAD	NM
030168959	EASTERN NEW MEXICO UNIV-ROSWELL CAMPUS	NM
120476858	INSTITUTE OF AMERICAN INDIAN ARTS	NM
878894708	ITT TECHNICAL INSTITUTE-ALBUQUERQUE	NM
182425306	NATIONAL COLLEGE-ALBUQUERQUE	NM
613249119	NEW MEXICO HIGHLANDS UNIVERSITY	NM
077600724	NEW MEXICO JUNIOR COLLEGE	NM
805992872	NEW MEXICO STATE UNIVERSITY-CARLSBAD	NM
949140396	NEW MEXICO STATE UNIVERSITY-DONA ANA	NM
883617813	NEW MEXICO STATE UNIVERSITY-GRANTS	NM
861367373	NEW MEXICO STATE UNIVERSITY-MAIN CAMPUS	NM
069418598	NORTHERN NEW MEXICO COMMUNITY COLLEGE	NM
157165986	PARKS COLLEGE	NM
106610793	SANTA FE COMMUNITY COLLEGE	NM
022743967	UNIV. OF NEW MEXICO-GALLUP BRANCH	NM
122825771	UNIVERSITY OF NEW MEXICO-LOS ALAMOS	NM
784121725	UNIVERSITY OF NEW MEXICO-MAIN CAMPUS	NM
614565281	UNIVERSITY OF NEW MEXICO-VALENCIA CAMPUS	NM
071373641	WESTERN NEW MEXICO UNIVERSITY	NM
075253872	AUDREY COHEN COLLEGE	NY
040066870	BERKELEY COLLEGE OF NEW YORK	NY
066968454	COLLEGE OF AERONAUTICS	NY
040761330	COLLEGE OF NEW ROCHELLE	NY
115496960	CUNY BERNARD M BARUCH COLLEGE	NY
123570848	CUNY BOROUGH OF MANHATTAN COMMUNITY COLL	NY
781560776	CUNY BRONX COMMUNITY COLLEGE	NY
073268849	CUNY CITY COLLEGE	NY

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039595475	CUNY HOSTOS COMMUNITY COLLEGE	NY
627309669	CUNY HUNTER COLLEGE	NY
115497489	CUNY JOHN JAY COLLEGE CRIMINAL JUSTICE	NY
088497748	CUNY LA GUARDIA COMMUNITY COLLEGE	NY
808008528	CUNY LEHMAN COLLEGE	NY
093772630	CUNY MEDGAR EVERS COLLEGE	NY
124805102	CUNY NEW YORK CITY TECHNICAL COLLEGE	NY
098936586	CUNY QUEENSBOROUGH COMMUNITY COLLEGE	NY
135711836	CUNY YORK COLLEGE	NY
098343841	HELENE FULD SCHOOL OF NURSING	NY
040810053	INSTITUTE OF DESIGN AND CONSTRUCTION	NY
064950330	INTERBORO INSTITUTE	NY
786396390	LONG ISLAND COLL HOSPITAL SCH OF NURSING	NY
098842180	LONG ISLAND UNIVERSITY-BROOKLYN CAMPUS	NY
073260986	MONROE COLLEGE-MAIN CAMPUS	NY
075237420	NEW YORK THEOLOGICAL SEMINARY	NY
072744030	PLAZA BUSINESS INSTITUTE	NY
068279991	SAINT JOSEPHS COLLEGE-MAIN CAMPUS	NY
078868197	STENOTYPE ACADEMY	NY
194801247	TAYLOR BUSINESS INSTITUTE	NY
073288144	TECHNICAL CAREER INSTITUTES	NY
075418996	WESTCHESTER BUSINESS INSTITUTE	NY
075256172	WOOD TOBE-COBURN SCHOOL	NY
835829789	CENTRAL STATE UNIVERSITY	OH
008873747	WILBERFORCE UNIVERSITY	OH
072421621	BACONE COLLEGE	OK
071222780	LANGSTON UNIVERSITY	OK
081180754	MOUNT ANGEL SEMINARY	OR
075501494	AMERICAN INSTITUTE OF DESIGN	PA
069892263	BEREAN INSTITUTE	PA
103802310	CHEYNEY UNIVERSITY OF PENNSYLVANIA	PA
077098770	COMMUNITY COLLEGE OF PHILADELPHIA	PA
071456958	FAITH THEOLOGICAL SEMINARY	PA
075477331	LINCOLN UNIVERSITY	PA
075483891	MCCARRIE SCH OF HEALTH SCIENCES&TECH INC	PA
175518828	ORLEANS TECHNICAL INSTITUTE	PA
077080216	PEIRCE COLLEGE	PA
090169699	AMERICAN UNIVERSITY OF PUERTO RICO	PR
174054759	ATLANTIC COLLEGE	PR
119851244	BAYAMON CENTRAL UNIVERSITY	PR

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091072306	CARIBBEAN CTR FOR ADVANCED STUDIES	PR
091117671	CARIBBEAN UNIVERSITY-BAYAMON	PR
949151393	CARIBBEAN U N IVERSITY-CAROLI NA	PR
949151690	CARIBBEAN UNIVERSITY-PONCE	PR
118155142	CARIBBEAN UNIVERSITY-VEGA BAJA	PR
878911841	CENTER FOR ADV STUDIES ON PR&CARIBBEAN	PR
173846338	COLEGIO BIBLICO PENTECOSTAL DE PR	PR
883924706	COLEGIO TECNOLOGICO DEL MUNICIPIO DE SAN JUAN	PR
826444176	COLEGIO UNIVERSITARIO DEL ESTE	PR
090571225	COLUMBIA COLLEGE	PR
194643029	CONSERVATORY OF MUSIC OF PUERTO RICO	PR
090191313	ELEC DATA PROCESSING COLLEGE OF PR INC	PR
185606142	ESCUELA DE ARTES PLASTICAS ICPR	PR
090579095	HUERTAS JUNIOR COLLEGE	PR
949144893	ICPR JUNIOR COLLEGE-ARECIBO	PR
134027663	ICPR JUNIOR COLLEGE-GENERAL INSTITUTIONA	PR
049537897	ICPR JUNIOR COLLEGE-MAYAGUEZ	PR
017092123	INSTITUTO DE EDUCACION UNIVERSAL	PR
091076810	INTER AMERICAN UNIV OF PR-AGUADILLA	PR
132952169	INTER AMERICAN UNIV OF PR-ARECIBO	PR
835695214	INTER AMERICAN UNIV OF PR-BARRANQUITAS	PR
949143242	INTER AMERICAN UNIV OF PR-BAYAMON	PR
788005148	INTER AMERICAN UNIV OF PR-FAJARDO	PR
119778280	INTER AMERICAN UNIV OF PR-GUAYAMA	PR
605692235	INTER AMERICAN UNIV OF PR-METRO	PR
944254796	INTER AMERICAN UNIV OF PR-PONCE	PR
120742705	INTER AMERICAN UNIV OF PR-SAN GERMAN	PR
090112079	INTER AMERICAN UNIV OF PR-SCHOOL OF LAW	PR
090051616	INTER AMERICAN UNIV SCH OF OPTOMETRY	PR
194387122	NAT'L COLL OF BUSINESS & TECHN-ARECIBO	PR
101795060	NATIONAL COLL OF BUSINESS&TECHN-BAYAMON	PR
105742043	PONCE SCHOOL OF MEDICINE	PR
049423809	PONTIFICAL CATHOLIC UNIV OF PR-ARECIBO	PR
091194670	PONTIFICAL CATHOLIC UNIV OF PR-GUAYAMA	PR
555441088	PONTIFICAL CATHOLIC UNIV OF PR-MAYAGUEZ	PR
090117508	PONTIFICAL CATHOLIC UNIV OF PR-PONCE	PR
090373192	RAMIREZ COLLEGE OF BUSINESS & TECHNOLOGY	PR
104087556	UNIV OF PHOENIX-PUERTO RICO CAMPUS	PR
120498670	UNIV OF PR-AGUADILLA REGIONAL COL	PR
105743249	UNIV OF PR-ARECIBO CAMPUS	PR
104091707	UNIV OF PR-BAYAMON TECH UNIV COL	PR
120697602	UNIV OF PR-CAROLINA REGIONAL COL	PR
091043216	UNIV OF PR-CAYEY UNIV COLLEGE	PR
051912723	UNIV OF PR-HUMACAO UNIVERSITY COL	PR
956420921	UNIV OF PR-LA MONTANA REGIONAL COL	PR

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800862765	UNIV OF PR-MEDICAL SCIENCES CAMPUS	PR
607134905	UNIV OF PR-PONCE TECHNICAL UNIV COL	PR
175303262	UNIV OR PR-MAYAGUEZ	PR
090558131	UNIVERSIDAD ADVENTISTA DE LAS ANTILLAS	PR
090534694	UNIVERSIDAD CENTRAL DEL CARIBE	PR
135988632	UNIVERSIDAD DEL TURABO	PR
090456609	UNIVERSIDAD METROPOLITANA	PR
090568767	UNIVERSIDAD POLITECNICA DE PUERTO RICO	PR
090443011	UNIVERSITY OF SACRED HEART	PR
854811031	PALAU COMMUNITY COLLEGE	PW
048368898	ALLEN UNIVERSITY	SC
073727943	BENEDICT COLLEGE	SC
073710378	CLAFLIN COLLEGE	SC
038556460	CLINTON JUNIOR COLLEGE	SC
073717795	COLUMBIA JUNIOR COLLEGE OF BUSINESS	SC
082231770	DENMARK TECHNICAL COLLEGE	SC
078047701	MORRIS COLLEGE	SC
073709693	NIELSEN ELECTRONICS INSTITUTE	SC
077994770	SOUTH CAROLINA STATE UNIVERSITY	SC
078050846	VOORHEES COLLEGE	SC
122703143	CENTRAL INDIAN BIBLE COLL-ASSEM OF GOD	SD
364441659	OGLALA LAKOTA COLLEGE	SD
072918485	SINTE GLESKA UNIVERSITY	SD
102274321	SISSETON-WAHPETON COMMUNITY COLLEGE	SD
052144326	FISK UNIVERSITY	TN
049467160	KNOXVILLE COLLEGE	TN
073526691	LANE COLLEGE	TN
073547630	LE MOYNE-OWEN COLLEGE	TN
041438185	MEHARRY MEDICAL COLLEGE	TN
878648054	SHELBY STATE COMMUNITY COLLEGE	TN
108814179	TENNESSEE STATE UNIVERSITY	TN
074608902	BEE COUNTY COLLEGE	TX
063067359	DEL MAR COLLEGE	TX
102583481	EL CENTRO COLLEGE	TX
074162462	HOUSTON COMMUNITY COLLEGE SYSTEM	TX
798644407	HUSTON-TILLOTSON COLLEGE	TX
119844538	INCARNATE WORD COLLEGE	TX
615013802	ITT TECHNICAL INSTITUTE-HOUSTON	TX
049049810	JARVIS CHRISTIAN COLLEGE	TX
190042234	LAREDO COMMUNITY COLLEGE	TX

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075086439	MISS WADES FASHION MERCHANDISING	TX
622705440	MOUNTAIN VIEW COLLEGE	TX
931661383	OBLATE SCHOOL OF THEOLOGY	TX
800607251	ODESSA COLLEGE	TX
136152840	OUR LADY OF THE LAKE UNIV-SAN ANTONIO	TX
782010227	PALO ALTO COLLEGE	TX
043296334	PAUL QUINN COLLEGE	TX
138170220	PRAIRIE VIEW A & M UNIVERSITY	TX
066422098	SAINT EDWARDS UNIVERSITY	TX
078500725	SAINT MARYS UNIVERSITY	TX
949143622	SAN ANTONIO COLLEGE	TX
066391004	SOUTH PLAINS COLLEGE	TX
074871716	SOUTHWEST INST. OF MERCH AND DESIGN	TX
078494705	SOUTHWEST TEXAS JUNIOR COLLEGE	TX
07505775	SOUTHWESTERN CHRISTIAN COLLEGE	TX
868317595	ST PHILLIPS COLLEGE	TX
077608966	SUL ROSS STATE UNIVERSITY	TX
042915991	TEXAS A & M UNIVERSITY-KINGSVILLE	TX
095100095	TEXAS A&M INTERNAT'L UNIVERSITY	TX
095100152	TEXAS A&M UNIV-CORPUS CHRISTI	TX
075119131	TEXAS COLLEGE	TX
050298975	TEXAS SOUTHERN UNIVERSITY	TX
076927524	TEXAS SOUTHMOST COLLEGE	TX
068986645	TEXAS ST TECHNICAL COLL-HARLINGEN CAMPUS	TX
800187965	THE UNIVERSITY OF TEXAS AT BROWNSVILLE	TX
132051285	THE UNIVERSITY OF TEXAS AT EL PASO	TX
800189185	THE UNIVERSITY OF TEXAS AT SAN ANTONIO	TX
784153660	THE UNIVERSITY OF TEXAS-PAN AMERICAN	TX
039674494	UNIVERSITY OF HOUSTON-DOWNTOWN	TX
051112712	UNIVERSITY OF SAINT THOMAS	TX
069739985	WILEY COLLEGE	TX
077928638	COMMONWEALTH COLLEGE	VA
124139486	COMMONWEALTH COLLEGE-HAMPTON	VA
074379488	COMMONWEALTH COLLEGE-RICHMOND	VA
003135068	HAMPTON UNIVERSITY	VA
074754805	NORFOLK STATE UNIVERSITY	VA
077925980	SAINT PAULS COLLEGE	VA
074744624	VIRGINIA STATE UNIVERSITY	VA
066023870	VIRGINIA UNION UNIVERSITY	VA
101794923	UNIV OF THE VIRGIN ISLANDS-KINGSHILL	VI
090003765	UNIVERSITY OF THE VIRGIN ISLANDS	VI

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DUNS NUMBER	HISTORICAL BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS	STATE ABBREV.
123577538	HERITAGE COLLEGE	WA
058740382	STRATTON COLLEGE	W1
030129142	BLUEFIELD STATE COLLEGE	WV
088907431	WEST VIRGINIA STATE COLLEGE	WV

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CHAPTER 1206

COMPETITION REQUIREMENTS

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CHAPTER 1206

COMPETITION REQUIREMENTS

SUBCHAPTER 1206.1--FULL AND OPEN COMPETITION

1206.102 Use of competitive procedures.

(b) If only one responsible offer is received from the release of a competitive solicitation, the contracting officer shall attempt to ascertain the reasons for the lack of response and place a written statement in the contract file documenting all conclusions regarding the lack of competition under the solicitation prior to proceeding to award.

SUBCHAPTER 1206.2--FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES

1206.202 Establishing or maintaining alternative sources.

The authority of the agency head under (FAR) 48 CFR 6.202(a) and (b)(1) is delegated to the HCA.

SUBCHAPTER 1206.3--OTHER THAN FULL AND OPEN COMPETITION

1206.302 Circumstances permitting other than full and open competition.

1206.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

The authority of the agency head under (FAR) 48 CFR 6.302-1(b)(4) is delegated to the HCA.

1206.302-2 Unusual and compelling urgency.

The contracting officer shall ensure that the justification supporting the use of this authority is approved prior to contract award unless immediate loss of life or property, or other equally compelling circumstances, are involved. When such a compelling circumstance exists, the contracting officer should inform the approving official of the action at the earliest opportunity, preferably before award. In cases involving approval after award, the justification required by (FAR) 48 CFR 6.303 shall contain a summary of facts justifying approval after award, including a statement of the number of days that were available to execute the justification prior to award.

1206.302-7 Public interest.

(a) The authority of the head of the executive agency under (FAR) 48 CFR 6.302-7 is reserved by the Secretary and may not be delegated. OAs shall coordinate and process all requests for a Secretarial determination under this authority through the Senior Competition Advocate (SCA) via the HOA. The SCA shall review the request and shall prepare a recommendation to the Secretary regarding the merits of the request.

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(b) All supporting documentation and a proposed determination and findings to be signed by the Secretary must accompany the request.

1206.304 Approval of the justification.

(a) The justification for other than full and open competition shall be approved by the officials stated in FAR 6.304 with the following clarification:

(2) For purposes of this paragraph, competition advocates for the procuring activity means Headquarter competition advocates.

(3) Head of the procuring activity is synonymous with head of the contracting activity.

(4) For proposed acquisitions over \$50,000,000, the approval authority for the FAA is the Administrator (as authorized by Pub. L. 101-508).

(b) Individuals acting in the place of approving officials must also meet the qualification requirements of (FAR) 48 CFR 6.304.

(c) Class justifications shall be approved by the same approval authority as for individual justifications (see FAR 6.304(a) and TAM 1206.304(a) above).

SUBCHAPTER 1206.5--COMPETITION ADVOCATES

1206.501 Requirement.

(a) The authority of the head of the executive agency under (FAR) 48 CFR 6.501 to appoint the Departmental Competition Advocate is reserved by the Secretary and may not be delegated.

I 1206.570 Competition Advocates.

(a) Definition.

One or more individuals who have been designated by the HOA as competition advocate for the OA as a whole or for specific Headquarters and/or field locations.

(b) A listing of OA positions designated as Headquarter competition advocates (see paragraph TAM 1206.570 above) is maintained by OAGM. Any revisions to this listing shall be provided to OAGM by the HOA or designee within 10 working days of designation.

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CHAPTER 1207

ACQUISITION PLANNING

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CHAPTER 1207

ACQUISITION PLANNING

1207.000-70 Purpose.

This chapter establishes a disciplined Departmentwide planning procedure for procuring supplies (including systems) and services.

SUBCHAPTER 1207.1--ACQUISITION PLANS

1207.101 Definitions.

"Acquisition Plan", as used in this chapter, means a document used to fulfill the acquisition planning requirements of Appendix A to TAM Chapter 1234.

"Annual Procurement Plan (APP)" means an acquisition planning document used for forecasting the Department's yearly anticipated acquisitions.

"Streamlined Acquisition Plan" means an abbreviated version of an Acquisition Plan, as described in this subchapter.

"Plan" means an acquisition plan, an APP, or a streamlined acquisition plan.

1207.101-70 Applicability.

The type of documentation to support DOT acquisition planning is commensurate with the complexity and dollar value of the procurement(s) involved. DOT's implementation of (FAR) 48 CFR Part 7 acquisition planning requirements is as follows:

(a) All proposed acquisitions of \$50 million or more as well as those acquisitions under \$50 million which are designated as or included as part of a major acquisition in accordance with TAM Chapter 1234, Appendix A, are subject to the acquisition planning requirements contained therein.

(b) All proposed DOT acquisitions from \$5 million to \$50 million except for acquisitions involving construction and other improvements to real property (as defined in (FAR) 48 CFR Part 36) must have either an acquisition plan in accordance with TAM Chapter 1234, Appendix A, or a streamlined version of the acquisition plan containing the information described in TAM 1207.105-70.

(c) An Annual Procurement Plan (APP) shall be done for all DOT acquisitions over \$100,000 which are expected to be satisfied by a DOT contract (including military interdepartmental purchase requests and interagency agreements/acquisitions), except as described in paragraph (c)(3) below. An APP is required even if the acquisition is covered under subparagraphs (a) or (b) above. APPs:

(1) Are used to comply with Section 501 of Pub. L. 100-656, which requires Federal agencies to make available its Procurement Forecast to the SBA and to interested business owners;

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(2) May be used by OAs to satisfy (FAR) 48 CFR Part 7 acquisition planning requirements for actions not covered by subparagraphs (a) and (b) above; and

(3) Are not required for:

(i) Agreements between DOT elements in which all work is performed by DOT personnel;

(ii) Emergency acquisitions (i.e., when the need for the supplies/services is of such an unusual and compelling urgency that the Government would be seriously injured if the supplies/services were not immediately acquired);

(iii) Actions subsequent to the initial submittal of an APP which have already been included as part of an approved APP (e.g., exercise of options); and

(iv) Procurements conducted under the Small Business Innovative Research Program.

(d) Acquisition Planning is not required for General Working Agreements and supporting Project Plan Agreements between RSPA/Volpe National Transportation Systems Center and DOT OAs (see (TAR) 48 CFR 1202.1). However, acquisitions (pursuant to (FAR) 48 CFR 2.101) resulting from General Work Agreements and Project Plan Agreements are subject to the acquisition planning requirements of this chapter.

1207.102 Policy.

(a) Acquisition planning must be initiated well in advance of the fiscal year in which contract award(s) is necessary. Preliminary acquisition efforts (e.g., defining requirements; issuing market search synopses and draft specification/statements of work; preparing and releasing draft solicitations) may be performed before the plan is completed and approved. If the approved acquisition strategy in the plan is different than what was included in the initial draft RFP, strong consideration should be given to issuing another draft RFP to inform industry of the changes.

(b) No synopsis for a solicitation may be released, solicitations issued, or funds transferred within or outside the Department until the plan has been completed and approved.

1207.103 Agency-head responsibilities.

(p) See 1207.503(e) for implementing procedures regarding functions that are inherently governmental.

1207.103-70 Other officials' responsibilities.

(a) *Acquisition planner*. The development of plans, and updates to them, is the responsibility of the acquisition planner (e.g., program manager). The acquisition planner is located within the requiring agency (if outside DOT) or

within the requiring OA (if within DOT). The acquisition planner, among other functions, shall:

- (1) form a team of individuals responsible for developing acquisition planning information pertinent to their areas of expertise;
- (2) coordinate with all personnel responsible for significant aspects of the plan (e.g., contracting, fiscal, legal, technical, and logistics);
- (3) provide input to the plan as necessary;
- (4) obtain applicable concurrences;
- (5) forward the plan through the approval process; and
- (6) review and update the plan.

(b) *Technical official*. The technical official is responsible for providing applicable input for the plan (e.g., quality, quantity, delivery requirements).

(c) *Contracting Officer*. The contracting officer is responsible for providing applicable input for the plan (e.g., type of contract to be used, procurement milestones, set-aside considerations).

(d) *Competition Advocate*. The cognizant competition advocate within the OA is responsible for reviewing streamlined acquisition plans before they are submitted to the approving official when other than full and open competitive procedures are expected to be used.

1207.105 Contents of written acquisition plans.

1207.105-70 Minimum contents of streamlined acquisition plans.

Although OAs may add additional requirements at their discretion, the following information, as a minimum, shall be addressed in streamlined acquisition plans:

(a) *Requirement*. Briefly describe the capability needed (in functional terms) within an OA's overall mission. Assess as to why existing capabilities are not sufficient and list any known constraints (including budget, legal, personnel, logistics and maintenance considerations, etc.). In addition, include the potential opportunities for technological enhancement, obsolescence of equipments, and cost savings.

(b) *Description of Acquisition*. Identify how the requirement is to be satisfied and the technical and contractual history of the proposed acquisition.

(c) *Resources Required*.

(1) List, by fiscal year, the total minimum and maximum resources in terms of dollars, new positions, etc., needed for the acquisition. Relate resources to budget requests (i.e., how will the budgeting be accomplished for the

resources needed?). Indicate if other Governmental agencies or DOT OAs are affected.

(2) Describe the methodology used in formulating the Government's best estimate of the total cost. Items that are considered to have sufficient cost impact to warrant special consideration are to be separately identified. Any plans for developing Independent Cost Analysis, Make or Buy programs, Design-to-Cost, Most Probable Cost, and Life-Cycle Cost estimates should be presented.

(d) *Extent of Competition.* Describe how competition will be obtained during the acquisition while considering opportunities for small business, small disadvantaged business, and labor surplus area concerns. Include in the discussion any opportunities for competition resulting from component or subsystem breakout, spare and repair parts, or subcontracting efforts. If other than full and open competitive procedures are anticipated to be used address:

(1) the basis for the use of the applicable authority of (FAR) 48 CFR 6.302;

(2) why full and open competition cannot be obtained; and

(3) identification of the expected source(s).

(e) *Acquisition Strategy.* Provide a summary of the acquisition strategy by addressing: type of contract proposed (including any incentives contemplated); milestones for the acquisition cycle (expressed in terms of calendar date of the action); period of performance (including option year(s)); set-aside considerations; special contract requirements; non-standard provisions and clauses; streamlining techniques to be used; and any other contracting considerations.

(f) *Description of Risks.* Briefly describe those areas of the acquisition which are believed to represent significant technical, schedule, or cost risks.

1207.105-71 Minimum contents of APPs.

As a minimum, the completion of DOT F 4220.12, Annual Procurement Plan (APP), found at TAM 1253.303-4220.12, and its accompanying instructions (located on the back of the form), fulfills the information requirements for an APP and any update to it. Optional, OAs can use guidance provided by S-40.

1207.105-72 Eliminating redundancies.

(a) For those acquisitions where the OA requires a separate Mission Need Statement (MNS) beyond that required by TAM 1207.105-70(a), the OA's MNS may be attached to the plan in lieu of repeating the MNS information in the plan.

(b) For FIP acquisitions where the Federal Information Resources Management Regulation (FIRMR) requires the same planning information as that contained within TAM 1207.105-70, the information may be attached to the plan in lieu of repeating the information in the plan.

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1207.107-70 Update, approval, and distribution procedures for streamlined acquisition plans.

(a) *Updates.* Plans are to be reviewed by the acquisition planner at least once every 12 months.

(1) Plans are to be updated when a significant change from the approved plan is contemplated (e.g., a new requirement, change in existing requirements, and change in acquisition strategy including contract type, cost growth, etc.);

(2) If, during a 12 month period, no significant change as discussed in subparagraph (1) above has occurred, the plan shall be reviewed and the approving official shall certify, using the cover page shown in Appendix A to this chapter (or one similar to it in accordance with OA procedures), that the information contained in the plan is accurate and complete and that no change is required.

(b) *Approval.* Plans and updates to them shall be coordinated with and signed (representing concurrence/endorsement of the plan) by the responsible technical official, the contracting officer, and the cognizant competition advocate (if appropriate), before the plan or update is provided to the approving official. The approving official(s) for plans shall be designated by the HOA in writing and shall be no lower than the Associate Administrator/Regional Administrator/Coast Guard Chief of Staff level.

(c) *Distribution.* When plans or updates to them are distributed, they shall include a completed copy of the cover page.

1207.107-71 Update, approval, and distribution procedures for APPs.

(a) *Updates.* APPs are to be reviewed by the acquisition planner and updated, as necessary, until contract award has been made.

(b) *Approval.* APPs, and any updates to them, shall be approved by the HOA or designee. Any delegation of approval authority shall be in writing and reflected in OA procedures. The approving official is responsible for approving both the APP and any updates. APPs shall be approved by September 1 of the calendar year preceding the fiscal year in which procurement initiation is anticipated. APP updates shall be approved by April 1 of each year.

(c) *Distribution.* A copy of approved APPs, and updates to them, or a negative response (if an APP or update is not required for the period) shall be submitted to the Director, Office of Small and Disadvantaged Business Utilization (S-40), within 15 days of approval.

1207.170 Waivers.

Waiver requests to the planning requirements in this subchapter shall be submitted through the OA approving official to the SPE for approval. Waiver requests shall contain sufficient detail to clearly explain the basis for the request, procedures sought to be waived, and any recommended alternative action.

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SUBCHAPTER 1207.2--PLANNING FOR THE PURCHASE OF SUPPLIES IN ECONOMIC QUANTITIES

1207.204 Responsibilities of contracting officers.

(a) The contracting officer shall transmit in writing to the cognizant requirements office either the actual offeror responses or a summary of their salient points.

(b) All transmittals shall request a prompt response which is to indicate whether the acquisition should remain as is, be amended, or cancelled. Before continuing with the negotiation or award of the acquisition, the contracting officer shall decide, in conjunction with the program manager, if continuing outweighs the potential cost saving benefits of delaying the acquisition.

SUBCHAPTER 1207.4--EQUIPMENT LEASE OR PURCHASE

1207.401 Acquisition considerations.

The decision to lease versus purchase equipment shall be documented in the contract file and address, as a minimum, the factors in (FAR) 48 CFR 7.401 and 41 CFR 101-25.504 and 101-26.408.

SUBCHAPTER 1207.5--INHERENTLY GOVERNMENTAL FUNCTIONS

1207.503 Policy.

(e) Contracts cannot be awarded for services/functions that are inherently governmental as defined in FAR 7.501. A written determination by the requiring office shall accompany purchase requests for services (either in whole or in part) that confirms that none of the services to be performed are inherently governmental. Any disagreement pertaining to the determination shall be resolved by the Chief of the Contracting Office before release of the solicitation.

CHAPTER 1209

CONTRACTOR QUALIFICATIONS

SUBCHAPTER 1209.1--RESPONSIBLE PROSPECTIVE CONTRACTORS

1209.105 Procedures.

1209.105-2 Determinations and documentation.

DOT Form F 4220.1, Determination of Prospective Contractor Responsibility, shall be used to make the determination and document that a contractor is/is not responsible.

SUBCHAPTER 1209.2--QUALIFICATION REQUIREMENTS

1209.202 Policy.

(a)(1) The authority of the head of the agency under (FAR) 48 CFR 9.202(a)(1) to establish a qualification requirement is delegated to the HCA. Prior to establishing a qualification requirement, a written justification prepared by the cognizant technical activity shall be submitted via the contracting officer and the OA's competition advocate to the HCA for approval.

(b) The cognizant technical office shall prepare a written waiver request when applicable. The waiver shall be submitted, via the contracting officer and the OA's competition advocate, to the HCA for approval.

(e) The authority of the head of the agency under (FAR) 48 CFR 9.202(e) is delegated to the HCA. A written justification stating why a procurement should not be delayed in order to comply with (FAR) 48 CFR 9.202(a) shall be prepared by the cognizant technical activity and submitted via the contracting officer and the OA's competition advocate to the HCA for approval.

1209.206 Acquisitions subject to qualification requirements.

1209.206-1 General.

(b) The authority of the agency head under (FAR) 48 CFR 9.206-1 is delegated to the HCA. The cognizant technical activity shall justify that an emergency exists; this justification shall be submitted via the contracting officer and the OA competition advocate to the HCA. The HCA shall determine that an emergency exists that would preclude enforcement of an established qualification requirement.

SUBCHAPTER 1209.3--FIRST ARTICLE TESTING AND APPROVAL

1209.302 General.

The procurement request initiator shall prepare a written statement addressing the factors enumerated in (FAR) 48 CFR 9.302 whenever first article testing and

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approval is required. The statement shall be forwarded with the procurement request to the contracting office.

SUBCHAPTER 1209.4--DEBARMENT, SUSPENSION, AND INELIGIBILITY

1209.402 Policy.

Debarment, suspension, and other actions which render a contractor ineligible to receive contract awards is a serious matter which deserves high level attention since there is an impact not only on DOT, but the entire Federal Government. The DOT procedures to implement the debarment and suspension requirements of (FAR) 48 CFR Subpart 9.4 are set forth in this subchapter.

1209.403 Definitions.

(a) The "debarring official" is the HCA.

(b) The "suspending official" is the HCA.

1209.404 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

(c)(4) Records regarding debarment and suspension actions shall be maintained by the HCA for 3 years after a contractor has been excluded from procurement programs.

(c)(5) The HCA shall establish internal distribution requirements for the list entitled Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs to ensure compliance with (FAR) 48 CFR 9.404(c)(5). A copy of the OA distribution list shall be provided to the TASC, Information Services (SVC-120). SVC-120 shall then notify GSA of the DOT distribution requirements for the list. OAs shall update the list as necessary and provide an updated copy to SVC-120

1209.405 Effect of listing.

The authority of the agency head under (FAR) 48 CFR 9.405 is delegated to the HCA. The HCA shall determine in accordance with (FAR) 48 CFR 9.405(d)(2) or (d)(3) that a bid or offer should be considered from a contractor included on the listing.

1209.405-1 Continuation of current contracts.

The authority of the agency head under (FAR) 48 CFR 9.405-1(a) and (c) is delegated to the HCA.

1209.405-2 Restrictions on subcontracting.

The authority of the agency head under (FAR) 48 CFR 9.405-2(a) is delegated to the HCA.

(e) *Notice of debarring official's decision.* The HCA shall notify the COCO prior to deciding whether or not to impose debarment. The COCO shall be furnished the original of the signed HCA decision to include in the contract file. The HCA shall provide a copy of the decision to GSA in accordance with (FAR) 48 CFR 9.404(c). A copy of all notices to GSA shall be provided to the SPE within 2 working days after they are sent to GSA.

1209.407 Suspension.

1209.407-1 General.

The authority of the agency head under (FAR) 48 CFR 9.407-1(d) is delegated to the HCA. However, see TAM 1223.506(e) regarding waivers to debarment or suspension determinations for actions under (FAR) 48 CFR Subpart 23.5, Drug-Free Workplace.

1209.407-3 Procedures.

(a) *Investigation and referral.* The COCO shall promptly report a proposed suspension action directly to the HCA unless otherwise authorized by OA procedures. The report shall be in writing and coordinated with OA legal counsel before the report is signed by the COCO and sent to the HCA. The report shall contain the information listed in TAM 1209.406-3.

(b) *Decisionmaking process.* After receipt of the COCO report, the HCA may request from interested parties (including the contractor if deemed appropriate) a meeting or additional supporting information to assist in the suspension decision.

(c) *Notice of suspension.* The notice shall be in writing and coordinated with OA legal counsel prior to submission to the HCA. The HCA shall provide a copy of the dated, signed notice of the suspension action to the COCO.

(d) *Suspending official's decision.* When it is found that the contractor's submission raises a genuine dispute over facts material to the proposed suspension, the HCA may request the DOTBCA to conduct fact finding and provide a report containing the results of the fact finding. The HCA shall notify the COCO prior to deciding whether or not to suspend. The COCO shall be furnished the original of the signed HCA decision, which shall be included in the contract file. The HCA shall provide a copy of the decision to GSA in accordance with (FAR) 48 CFR 9.404(c). A copy of all notices to GSA shall be provided to the SPE within 2 working days after they are sent to GSA.

1209.408 Certification regarding debarment, suspension, proposed debarment, and other responsibility matters.

(a)(2) When the offeror indicates the existence of an indictment, charge, conviction, or civil judgment, the contracting officer shall obtain from the offeror, the information deemed necessary concerning the issues and seek the advice of legal counsel on the affirmative statement(s). The HCA shall be notified orally of the facts and the contracting officer's proposed responsibility determination prior to proceeding with the contract award.

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SUBCHAPTER 1209.5--ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

1209.503 Waiver.

The authority of the agency head under (FAR) 48 CFR 9.503 is delegated to the HCA. This authority may not be redelegated below the HCA level.

1209.504 Contracting officer responsibilities.

The authority of the HCA under (FAR) 48 CFR 9.504(c) is retained by the HCA.

1209.506 Procedures.

- I** The authority of the HCA under (FAR) 48 CFR 9.506(d)(3) is retained by the HCA.

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CHAPTER 1213

SIMPLIFIED ACQUISITION PROCEDURES

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CHAPTER 1213

SIMPLIFIED ACQUISITION PROCEDURES

SUBCHAPTER 1213.1--GENERAL

1213.104 Procedures.

Except for acquisitions of \$2,500 or less, Form DOT F 4230.1, Simplified Acquisition Purchase Summary, may be used to document purchases covered by (FAR) 48 CFR Part 13 and placed in the file.

1213.107 Solicitation forms.

(a) *Forms.* SF 18, Request for Quotations, shall be used to obtain written quotations as prescribed in (FAR) 48 CFR 13.107(a).

SUBCHAPTER 1213.2--BLANKET PURCHASE AGREEMENTS

1213.204 Purchases under Blanket Purchase Agreements.

1213.204-70 Modifying a Blanket Purchase Agreement.

The SF-30 shall be used to modify a BPA.

1213.205 Review procedures.

1213.205-70 Review responsibility.

(a) When the authorized callers under the BPA are not within the OA which issued the BPA, the contracting officer or the designated representative of the contracting officer within the OA using the BPA is responsible for the review.

SUBCHAPTER 1213.4--IMPREST FUND

1213.402 Agency responsibilities.

(c) Guidance governing the use and administration of imprest funds within DOT is contained in DOT Order 2770.7 series, Imprest Fund Manual, and the Office of Financial Management (B-30) memoranda dated September 19, 1991 and October 21, 1991, which increased the limitation for single, routine imprest fund transactions to \$500 (except that travel reimbursements paid through the Washington, DC, Headquarters imprest funds are limited to \$250). Alternative measures, such as the GSA Government Travel Charge Card or travelers checks for travel advances and expenses and the Governmentwide commercial credit card or third party drafts for making simplified acquisitions should be used to the maximum extent possible to minimize the number of imprest fund transactions.

HCAs shall establish procedures for designation of personnel authorized to approve requisitions and make purchases using imprest funds. HCAs may require that only contracting officers may approve requisitions using imprest funds.

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1213.403 Conditions for use.

(a) The authority of the agency head under (FAR) 48 CFR 13.403(a) is delegated to the Director of the Office of Financial Management (B-30).

1213.404 Procedures.

(f) The individual making an approved purchase from the imprest fund shall be responsible for compliance with the documentation requirements of (FAR) 48 CFR 13.404(f) and DOT Order 2770.7 series. The individual having acquisition authority to approve purchases from the imprest fund shall be responsible for checking the authorized purchase requisition for compliance with the internal control requirements mandated by DOT Order 2770.7 series.

SUBCHAPTER 1213.5--PURCHASE ORDERS

1213.503 Obtaining contractor acceptance and modifying purchase orders.

(b) The SF 30 is to be used to modify a purchase order.

1213.505 Purchase order and related forms.

(b)(1)(i) Fuel and lubricant purchases for USCG cutters and aircraft are permitted up to a limitation of \$25,000.

(b)(4) OAs are responsible for establishing procedures to control the use of SF 44s and to account for all purchases made using the form, including:

(1) Maintenance of a list of designated individuals authorized to make purchase using the form;

(2) Controls for issuance of the form to authorized individuals; and

(3) Review of purchase transactions using the form to assure compliance with authorized procedures.

1213.506 Provisions and clauses.

(a) Appendix A supplements the purchase order terms and conditions (Optional Form 347 Back) generally applicable to simplified acquisitions. Appendix A shall be used as an attachment to OFs 347 and 348 unless an OA equivalent supplemental clause list has been authorized for use by the COCO.

SUBCHAPTER 1213.70--DEPARTMENT OF TRANSPORTATION PURCHASE/CREDIT CARD PROGRAM

1213.7000 General.

DOT policies and procedures for the use of the DOT Purchase/Credit Card Program are contained in Appendix B.

SUBCHAPTER 1213.71--DEPARTMENT OF TRANSPORTATION PROCEDURES FOR ACQUIRING
TRAINING SERVICES

1213.7100 General.

DOT policies and procedures for acquiring training services using simplified acquisition procedures under a delegation of procurement authority are contained in Appendix C.

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APPENDIX A

PURCHASE ORDER TERMS AND CONDITIONS--DOT

The following FAR provisions/clauses supplement the purchase order terms and conditions (Optional Form 347). An asterisk (*) indicates the provision/clause must be incorporated in full text; all others may be incorporated by reference in accordance with FAR 52.252-1. Upon request, the contracting Officer will make their full text available.

FAR 52.203-3	Gratuities (APR 84)
FAR 52.242-15	Stop-Work Order (AUG 89)
FAR 52.219-1	Small Business Program Representations (OCT 95)
FAR 52.222-3	Convict Labor (AUG 96)
FAR 52.232-1	Payments (APR 84)
FAR 52.232-8	Discounts for Prompt Payment (APR 89)
FAR 52.232-25	Prompt Payment (MAR 94)
FAR 52.232-33	Mandatory Information for Electronic Funds Transfer Payment (AUG 96)
FAR 52.232-34	Optional Information for Electronic Funds Transfer Payment (AUG 96)
FAR 52.233-1	Disputes (OCT 95)
FAR 52.233-3	Protest after Award (AUG 96)
FAR 52.243-1	Changes-Fixed Price (AUG 87)

The following clauses marked with an "X" also apply to this solicitation/contract:

OPTIONS

___	FAR 52.217-3	Evaluation Exclusive of Options (APR 84)
___	FAR 52.217-4	Evaluation of Options Exercised at Time of Contract Award (JUN 88)
___	FAR 52.217-5	Evaluation of Options (JUL 90)
___	FAR 52.217-6	Option for Increased Quantity (MAR 89)
___	FAR 52.217-8	Option to Extend Services (AUG 89)
___	FAR 52.217-9	Option to Extend the Term of the Contract (MAR 89)

SERVICES

___	FAR 52.222-41	Service Contract Act of 1965, as Amended (MAY 89)
* ___	FAR 52.222-42	Statement of Equivalent Rates for Federal Hires (MAY 89)
___	FAR 52.222-43	Fair Labor Standards Act and Service Contract Act-Price Adjustment (MAY 89)
___	FAR 52.222-47	SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA) (MAY 89)
* ___	FAR 52.222-48	Exemption from Application of Service Contract Act Provisions for Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical and/or Office and Business Equipment - Contractor Certification (AUG 96)

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PURCHASE ORDER TERMS AND CONDITIONS--DOT

SERVICES (cont.)

____ FAR 52.249-1 Termination for Convenience of the Government (Fixed-Price)
(Short Form) (APR 84)

SUPPLIES

* ____ FAR 52.211-16 Variation in Quantity (APR 84)
____ FAR 52.225-3 Buy American Act-Supplies (JAN 94)
____ FAR 52.246-16 Responsibility for Supplies (APR 84)
____ FAR 52.249-1 Termination for Convenience of the Government
(Fixed-Price) (Short Form) (APR 84)

OTHER CLAUSES

____ FAR 52.204-3 Taxpayer Identification Number (MAR 94)
TIN: _____ (Offeror provides)
____ FAR 52.204-4 Printing/Copying Double Sided on Recycled
Paper (JUN 96)
____ FAR 52.207-4 Economic Purchase Quantity--Supplies (non GSA/
FSS) (AUG 87)
____ FAR 52.207-5 Option to Purchase Equipment (FEB 95)
____ FAR 52.208-4 Vehicle Lease Payments (APR 84)
____ FAR 52.208-5 Condition of Leased Vehicles (APR 84)
____ FAR 52.208-6 Marking of Leased Vehicles (APR 84)
____ FAR 52.208-7 Tagging of Leased Vehicles (MAY 86)
____ FAR 52.213-1 Fast Payment Procedure (AUG 88)
____ FAR 52.213-2 Invoices (APR 84)
____ FAR 52.213-3 Notice to Supplier (APR 84)
____ FAR 52.222-20 Walsh-Healey Public Contracts Act (APR 84)
____ FAR 52.222-21 Certification of Nonsegregated Facilities (APR 84)
____ FAR 52.222-26 Equal Opportunity (APR 84)
____ FAR 52.222-35 Affirmative Action for Special Disabled and Vietnam
Era Veterans (APR 84)
____ FAR 52.222-36 Affirmative Action for Handicapped Workers (APR 84)
____ FAR 52.222-37 Employment Reports on Special Disabled Veterans and
Veterans of the Vietnam Era (JAN 88)
* ____ FAR 52.223-5 Certification Regarding a Drug-Free Workplace (JUL 95)
(for award to individuals)
____ FAR 52.223-6 Drug Free Workplace (JUL 90)
(for award to individuals)
____ FAR 52.232-16 Progress Payments (JUL 91)
____ FAR 52.232-18 Availability of Funds (APR 84)
____ FAR 52.245-2 Government Property (Fixed-Price Contracts) (DEC 89)
____ FAR 52.245-4 Government-Furnished Property (Short Form) (APR 84)
____ FAR 52.246-1 Contractor Inspection Requirements (APR 84)
____ FAR 52.247-29 F.O.B. Origin (JUN 88)
____ FAR 52.247-34 F.O.B. Destination (NOV 91)
____ FAR 52.247-35 F.O.B. Destination Within Consignee's Premises (APR 84)
____ FAR 52.249-8 Default (Fixed-Price Supply and Service) (APR 84)

DEPARTMENT OF TRANSPORTATION PURCHASE/CREDIT CARD PROGRAM

I. GENERAL.

These policies and procedures replace the Office of Financial Management (M-80) Interim Small Purchase Credit Card Policy memorandum issued November 7, 1990.

II. APPLICABILITY.

These policies and procedures apply to all DOT operating administrations (OA). OAs may authorize designated field offices to develop their own internal procedures to implement the DOT Purchase/Credit Card Program.

III. DEFINITIONS.

The definitions set forth below supplement those set forth in the General Services Administration (GSA) Governmentwide Commercial Credit Card Service (GCCCS) contract. The current GCCCS contract which is effective through November 29, 1994, is provided as Attachment 1. If GSA elects to exercise the four one-year renewal option periods contained in the contract, the contract will be modified accordingly. The terms "small purchases" and "small purchase procedures" used throughout Attachment 1 mean "simplified acquisitions" and "simplified acquisition procedures."

A. "Agency/Organization Program Coordinator" (also referred to as Contracting Officer's Technical Representative) means an individual designated by the ordering agency/organization to perform contract administration within the limits of delegated authority. The individual shall have overall responsibility for the Purchase/Credit Card Program within their bureau, agency/organization or region and may determine who the approving officials or cardholders will be.

B. "Approving Official" means a Government employee(s) within the OA who has a number of cardholders under his/her purview and determines that cardholders' purchases are made within applicable regulations, policies, and procedures.

C. "Approving Official Report" means a monthly report sent by the card issuing bank to each approving official summarizing the purchase and credits of each cardholder under the approving official's purview.

D. "Card Issuing Bank" means the bank which issues cards to cardholders and submits monthly statements to cardholders, approving officials, and finance offices detailing amounts of purchases and credits made by cardholders.

E. "Cardholder" means the individual Government employee within the OA who is a warranted contracting officer or to whom a written delegation of procurement authority (DPA) has been issued by the cognizant Chief of the Contracting Office (COCO) or designee granting the use of the purchase/credit card.

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6. Coordinate the card reissuance report with approving officials and inform the card issuing bank which purchase/credit cards should be reissued. (Note: Renewal cards will not be reissued without prior approval.)

B. OA Organization Program Coordinator. Each OA shall:

1. Appoint an Organization Program Coordinator, generally located within the Headquarters office, who will have overall responsibility for administering the Purchase/Credit Card Program within the OA.

2. Provide the COTR name, work address, routing symbol, room and telephone numbers to the Agency Program Coordinator (TASC). The OA Organization Program Coordinator will be the OA's central point of contact for GCCCS Program related issues.

C. Training. Each OA shall develop training which will ensure that potential approving officials and cardholders fully understand their responsibilities regarding procurement regulations, finance requirements and internal procedures under the Purchase/Credit Card Program. The OA shall ensure that all prospective cardholders understand and comply with the monthly statement validation requirements, as set forth in the applicable GSA GCCCS Program contract. Purchase/credit cards shall not be issued to potential cardholders until they have received training and DPAs. OAs may contact the Agency Program Coordinator in SVC-180 for assistance and information regarding existing training videos and manuals.

1. *Procurement Training*. Procurement training shall, at a minimum, address the requirements of Federal Acquisition Regulation (FAR) Part 3 (Improper Business Practices and Personal Conflicts of Interest), Part 8 (Required Sources of Supplies and Services), Part 13 (Simplified Acquisition Procedures), Part 22 (Acquisition of Labor Laws to Government Acquisitions), Part 25 (Foreign Acquisition), Appendix A to Part 39 (Acquisition of Information Resources); the corresponding Transportation Acquisition Regulation (TAR); Transportation Acquisition Manual (TAM); the applicable GSA contract; and internal OA procedures.

2. *Finance Training*. Finance training shall, at a minimum, address the requirements for safekeeping of purchase/credit cards and account numbers, retention of receipts for charges and credits for purchases, returns and disputed items, record keeping for purchase/credit card purchases, timely validation of monthly statements of account, summarization of accounting data on monthly statements of account, procedures to follow for account set-up, account changes and cancellation, disputes resolution, and procedures to follow if a purchase/credit card is lost or stolen.

3. *Property Control Training*. OAs are encouraged to include property management and control training to address the requirements for notifying the appropriate officials (i.e., property manager, property officer, property accountable officer) of delivery of non-expendable personal property in order to assure proper handling and inventory control of items ordered using the purchase/credit card.

D. Delivery Order Issuance. To begin participation in the GCCCS Program, each OA or designated field office must submit a delivery order (D.O.) to the card issuing bank requesting participation in the program. A copy of the developed internal procedures must be forwarded as an attachment to the D.O. The D.O. may be prepared on an OF 347, Order for Supplies or Services, or may be submitted in letter format. At a minimum, the D.O. should provide names and telephone numbers for the OA Organization Program Coordinator, the Finance Office Contact, and the Disputes Office Contact. OAs may assign a different individual for each of these contact points, may elect to assign one individual for each of the contact points, or may assign more than one individual to each of the contact points.

E. Account Set-Up. The card issuing bank will provide the cardholder and approving official with account information in accordance with the applicable GSA contract.

1. *Qualifications.* OAs are responsible for determining the professional responsibility of prospective cardholders and approving officials.

2. *Account Set-Up Forms.* Set-up forms completed by prospective approving officials and cardholders should be sent to the OA Organization Program Coordinator or designee, for review. The OA Organization Program Coordinator or designee, will review each approving official and cardholder application for accuracy and completeness. The prospective cardholder set-up form should be approved by the cognizant approving official, who shall forward the form to the card issuing bank for processing and issuance of the purchase/credit card.

3. *Purchase Limitations.* The purchase limitations which are established under the GCCCS Program should generally be based upon budgetary constraints and actual need, as follows:

- a. *Single Purchase Limit.* The cognizant approving official will determine the single purchase limit when initiating each cardholder's account set-up form. The cardholder's single purchase limit must be supported with a properly approved DPA in an amount equal to or greater than the established single purchase limit. Single purchase limit codes are reflected on the reverse of the cardholder account set-up forms.

- (1) A single purchase/credit card transaction may consist of the purchase of a number of individual items, the sum of which (including any shipping costs) may not exceed the single transaction purchase limit. A requirement which would exceed an individual cardholder's single transaction purchase limitation shall not be divided or "split" into two or more transactions to stay under the single transaction purchase limitation. OAs are encouraged to establish realistic single transaction purchase limits which represent the dollar amount an individual cardholder's transactions will generally fall within. The single transaction purchase limit for non-warranted personnel generally may not exceed \$2,500.

- (2) Except for credit card purchases of training services which are limited to the micro-purchase threshold of \$2,500 (FAR 13.6), warranted

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5. Ensuring the proper accounting classification data and any disputed items are clearly documented;

6. Promptly processing for payment all cardholder's monthly statements of account;

7. Initiating appropriate action if a cardholder uses a purchase/credit card in an unauthorized manner, including cancellation of the cardholder's account and disciplinary action if appropriate; and

8. Confirming written notification to the card issuing bank and OA within five working days following the loss or theft of a purchase/credit card.

E. Cardholder. The cardholder is responsible for executing purchase/credit card transactions within the limits of his/her DPA; complying with the FAR, TAR, TAM, the applicable GSA contract, and internal OA guidance; and verifying that:

1. Purchases and credits itemized on his or her monthly cardholder statement of account are only for goods or services received or returned;

2. Sales tax has not been charged;

3. Merchants have not charged the account prior to the date of shipment; and

4. Merchants have not passed on their VISA interchange fees to the Government.

Care shall be exercised by all Purchase/Credit Card Program officials to safeguard cardholder account information when disposing of management or financial reports received from the card issuing bank.

VII. GENERAL GCCCS PROGRAM INFORMATION.

A. Receipt of the Purchase/Credit Card. The card issuing bank will send the card directly to the cardholder at the work address specified on the set-up form. Upon receipt of the purchase/credit card, the cardholder must immediately sign the acknowledgement form and return it to the card issuing bank. Failure to do so will result in generation of the Card Receipt Acknowledgement Outstanding Report to the cognizant approving official.

B. Purchase/Credit Card Appearance. The I.M.P.A.C. card is easily discernible in its appearance from personal commercial credit cards.

C. Use of the Purchase/Credit Card.

1. The purchase/credit card may be used for simplified acquisitions as defined in FAR Part 13 and for purchases from participating contractors under the applicable GSA contract.

2. Use of the purchase/credit card shall be restricted to Government personnel who have received proper training in the use of the card and who have been delegated purchasing authority (i.e., warranted contracting officers and employees who have received a written DPA from the cognizant COCO or designee). Furthermore, except as authorized by the applicable GSA contract, the only person authorized to use the card is the person whose name appears on the purchase/credit card. Permitting someone else to use an individual cardholder's purchase/credit card, even within the same program office or activity, may result in disciplinary action and/or cancellation of cardholder privileges. Additionally, the purchase/credit card shall not be issued to or used by contractor personnel under any circumstances.

3. Cardholders should always notify the vendor/contractor not to charge the card for the purchases until shipment is made and that purchases are for official U.S. Government purposes and, therefore, are tax exempt.

4. Cardholders shall review all potential acquisitions, including imprest fund transactions, to determine whether the procurement can be accomplished through the use of the GCCCS Program. If the vendor/contractor accepts the purchase/credit card, the purchase shall be made in accordance with these procedures.

D. Limitations of Purchase/Credit Card Use. Limitations for use of the purchase/credit card are as follows:

1. *Prohibited Use of the Purchase/Credit Card.* In addition to the limitations on the use of the GCCCS Program purchase/credit card set forth in the applicable GSA contract, the purchase/credit card shall not be used for the following:

a. Personal purchases or as identification when cashing a personal check; and

b. Open market purchase of items available from GSA FSS mandatory sources.

2. *Regulated Purchases.* Each OA must determine if they will permit use of the purchase/credit card for circumstances which have been designated as regulated purchases in the applicable GSA contract. If regulated purchases are authorized in accordance with OA procedures, the required level of approval within the OA must be specified, and OA procedures must specifically address the situations when the purchase of regulated items are permitted.

3. *GAO Special Interest Items.* GAO decisions surrounding the concept of the "availability of appropriations" are often stated in terms of whether appropriated funds are or are not "legally available" for a given expenditure. Restrictions on the purposes for which appropriated funds may be used come from a variety of sources, including the Constitution, DOT Appropriations Acts, and decisions of the Comptroller General and his predecessor, the Comptroller of the Treasury. OAs are encouraged to review the GAO publication entitled Principles of Federal Appropriations Law and provide coverage of the above areas when developing its Purchase/Credit Card Program procedures. A number of the more

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C. Methods of Acquiring Training Services.

1. DOT Purchase/Credit Card Program.

The purchase/credit card shall be used to the maximum extent possible to acquire training within the cardholder's single purchase limit (generally not to exceed \$2,500).

2. Use of SF 182.

In the absence of a purchase/credit card or when a contractor does not accept the government purchase/credit card, an SF-182 may be used to acquire training services of \$2,500 or less using the procedures set forth in paragraph VI.C. below. An employee may be designated for a DPA to acquire training services in amount of \$2,500 or less upon attending purchase/credit card training conducted by the OA.

3. Imprest Fund.

For those **infrequent** occasions when the purchase/credit card or an SF-182 cannot be used, a DPA recipient may use imprest fund procedures to acquire training in accordance with DOT Order 2770.7 series, and DOT Office of Financial Management (B-30) memoranda dated September 19, 1991, and October 21, 1991, (Attachments 2A and 2B). The imprest fund shall be used only for those training needs: in amounts not in excess of the imprest fund limitation; which could not have been anticipated; and which must be satisfied immediately. Justification for use of the imprest fund in lieu of the SF-182 or purchase/credit card must be documented in the official order file (see paragraph VII.D.).

D. Funds Certification.

A Purchase Request (PR) DOT F 4200.1, is not required to acquire training services using a government purchase/credit card. In lieu of a PR, required approvals or funds certification may be secured by any method prescribed by an OA that establishes a record of the action (i.e., by memorandum, routing slip or other written documentation, by annual, quarterly or monthly commitment accounts established by accounting certification officers/funds administrators; by using electronic mail to document approvals and certifications, etc.).

E. Competition.

Purchases within the micro-purchase threshold (\$2,500 or less) may be made without securing competition, if the price is determined fair and reasonable. Requirements in excess of \$2,500 shall not be divided or "split" into two or more separate purchases in order to avoid competition.

VI. ACQUISITIONS GREATER THAN THE MICRO-PURCHASE THRESHOLD (>\$2,500):

A. Simplified acquisition training.

Each prospective DPA recipient will be required to attend formal simplified acquisition training of at least 32 hours duration that, at a minimum,

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addresses the requirements of FAR Part 3, (Improper Business Practices and Personal Conflicts of Interest), FAR Part 8 (Required Sources of Supplies and Services), and FAR Part 13 (Simplified Acquisition and Other Simplified Purchase Procedures). Contracting offices shall assist in identifying qualified simplified acquisition training courses for prospective DPA recipients.

B. Delegation of Procurement Authority.

1. The OIG and each OA shall identify those Government employees (normally human resources management personnel) required to perform training support functions within their activity to be designated as DPA recipients responsible for acquiring training services within the limitations set forth herein. When selecting prospective DPA recipients, consideration shall be given to an individual's experience in obtaining training services, business acumen, judgment, character and demonstrated financial responsibility (e.g., no seriously delinquent debts such as travel advances or charge card balances (American Express)).

2. Upon successful completion of the required simplified acquisition training, the name of the prospective DPA recipient and a copy of the individual's course completion certificate or equivalent documentation shall be submitted to the cognizant COCO, requesting the issuance of a DPA. At the discretion of the COCO, a written DPA will be granted designating the individual as an authorized official for the acquisition of training services within the limitations and procedures of GETA, FAR, TAR, TAM, DPM and the procedures set forth herein.

3. Copies of pertinent acquisition regulations referenced in these procedures, if not received as a part of the simplified acquisition training, shall be requested from the DPA granting official when requesting a DPA. A memorandum similar to the sample at Attachment 3 shall be used to request a DPA to acquire training services under these procedures.

4. DPA recipients shall be appointed in writing (see Attachment 4). The DPA memorandum shall state the scope of the DPA recipient's authority as limited by these procedures and shall be automatically terminated upon the individual's reassignment or termination of employment. The DPA may also be terminated in writing in the case of unsatisfactory performance or for other reasons as determined necessary by the cognizant COCO. DPAs granted under these procedures may not be redelegated.

5. The COCO shall forward a copy of each DPA granted or terminated under these procedures to the Director, Acquisition and Grant Management, 400 Seventh St., S.W., Washington, DC 20590, Attn: M-61. This notification requirement may be satisfied by submitting a semi-annual list of the DPA recipients' names, addresses, telephone numbers and routing symbols to M-61.

C. Methods of acquiring training services.

1. DOT Purchase/Credit Card Program.

The purchase/credit card shall not be used to acquire training services in an amount greater than the micro-purchase threshold set forth in FAR 2.101.

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Purchases shall not be divided or "split" into two or more acquisitions to avoid the purchase/credit card threshold.

2. Use of SF-182.

For the purposes of these procedures, an SF-182 shall be considered an alternative agency purchase order form (FAR) 48 CFR 13.505). Attachment 5, SF-182 Supplemental Terms and Conditions, shall be attached to the form before issuing it to a vendor or contractor. When an SF-182 is used to acquire training from a Government source of supply, Attachment 5 is not required.

In accordance with federal statutes and Internal Revenue Service (IRS) regulations, FAR Clause 52.204-3 requires that contractors furnish their Taxpayer Identification Numbers (TIN) to the Government. The contractor may provide the information verbally to the ordering official or in writing when submitting invoices in accordance with the billing instructions contained on the SF-182. If the information is provided orally, the authorized purchasing official (DPA recipient) is responsible for transmitting the TIN to the servicing accounting/financial management office. Accounting/financial management offices are responsible for transmitting the TIN to IRS.

TAR 1213.7101 requires that offerors certify the data submitted with its offer; therefore, TAR 1252.237-71 must be incorporated in full text to request for quotations or solicitation for training services when the content and/or presentations of the training is controlled by DOT (see TAR 1213.7100).

The SF-182 may also be used for requesting, approving and certifying payment for attendance at meetings, conferences, seminars and symposia, the primary purpose of which is to train the individual to meet a job-related need.

D. Funds Certification.

DPA recipients shall obtain the signature of the accounting certification official/funds administrator in the "Agency Use Only" section of the SF-182 as evidence of the availability of funds for obligation under the order. If one of the signatories in Section D, Approvals, is also responsible for funds certification, a second signature need not be obtained. A notation to the effect that "the individual approving in Block #___ is also certifying the availability of funds for this purchase" is acceptable.

E. Competition.

Purchases in excess of micro-purchase threshold must be acquired through reasonable competitive procedures (generally, soliciting at least three sources) in accordance with FAR 13.106-2(a). If practicable, two sources not included in the previous competition for similar training services should be requested to furnish quotations. DPA recipients should make every effort to locate new sources and rotate solicitations among sources to the maximum extent practicable. In accordance with FAR 13.106-2(b)(2), standing price quotations, such as catalog prices, may be substituted for obtaining individual quotations for each purchase.

The DPA recipient may make a determination that only one source is reasonably available as set forth in FAR Part 13.106-2(c); however, the official order file

shall be documented to explain the absence of competition. (See sample Sole Source Justification, Attachment 6.)

Competition need not be obtained when acquiring training from a Government source of supply.

F. Posting Notices of Solicitations.

For proposed actions exceeding \$10,000, DPA recipients shall use the information system (electronic bulletin board or other means of displaying notifications) established in their cognizant contracting offices for the purpose of posting notices of solicitations or copies of solicitations in accordance with TAR 1205.101.

G. Modifications.

In the event a change, revision or modification that alters the fixed price of commercially-available/off-the-shelf training is required to meet specific DOT requirements, either prior to or after executing an order for training services, the official order file shall be documented with supplemental information summarizing the changes (i.e. alterations, deletions, expansion, tailoring) required. The official order file shall also include a summary of the price negotiation, including the basis for determining that the price to be paid for modified commercially-available/off-the-shelf training is fair and reasonable in relation to the established catalog or market price. DPA recipients may enlist the assistance of warranted contracting personnel in negotiating price adjustments when faced with changes to fixed-price, commercially available/off-the-shelf training.

Modifications shall be issued using an SF-182 as the obligating document. Additional pages may be attached as deemed necessary to adequately describe the change, revision or modification to the commercially-available/off-the-shelf training.

VII. ACQUISITION PROCEDURES:

Except as otherwise stated, the following requirements are applicable to the acquisition of all training services under these procedures:

A. Advanced Acquisition Planning.

Human resources management personnel are responsible for forecasting, to the best of their ability, the yearly training requirements for their activities. Higher echelon human resources management personnel are responsible for monitoring and identifying predicted annual requirements of subordinate organizations that may be combined for contracting purposes. Yearly requirements in excess of the small purchase limitation per individual student or training requirement must be identified and transmitted to procurement offices sufficiently in advance of the fiscal year in which formal contract award(s) is necessary. Personnel are encouraged to seek guidance concerning procurement leadtimes from their cognizant contracting office in order to allow sufficient time for processing contract award(s).

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While it is recognized that emergency or anticipated training situations may occur, total predictable annual requirements may not be divided or "split" into two or more acquisitions to avoid the competition threshold (\$2,500) and avoid sending requirements to contracting offices. Neither shall predictable annual training requirements be "split" among equivalent training sources (i.e., essentially the same training given under different titles, or by different vendors) to avoid sending the requirements to contracting offices.

B. Small business set asides.

1. Except for training services acquired from a required Government source of supply, all acquisitions estimated to exceed the micro-purchase threshold (\$2,500), but not exceeding \$100,000, shall be reserved exclusively for small business concerns ((FAR) 48 CFR 13.105(a)). If the purchase is made to other than a small business, the official order file shall be documented with the reason for the unrestricted purchase (see paragraph VII.D.).

2. DPA recipients are encouraged to request assistance from cognizant Small Business Administration (SBA) center representatives and DOT Offices of Small and Disadvantaged Business Utilization (OSDBU) liaison personnel in identifying small business concerns capable of meeting their training requirements. The DOT Headquarters SBA Procurement Center Representative (PCR), can be reached at (202) 366-5323. A national directory of SBA PCRs may be obtained by calling the SBA at (202) 205-6471. A telephone listing of DOT OSDBU liaison personnel for each of the OAs may be obtained by calling their National Information Clearinghouse at (800) 532-1169.

C. Official Order File.

DPA recipients shall establish an official order file in support of the training acquired under these procedures. The file may be organized on an individual basis for each transaction or as a master filing system in which all of the records would be combined in one file, easily accessible for acquisition planning purposes as well as for reviews and audits.

D. Official Order File Documentation. The official order file shall include the following the following documentation as applicable to the purchase:

1. Funds certification. See paragraph V.D. above.

2. Justification for use of imprest fund. See paragraph V.C.3. above.

3. Price reasonableness. In accordance with (FAR) 48 CFR 13.106-2(d), the DPA recipient is responsible for documenting the official order file with the basis for determining the price reasonableness of the training to be purchased (i.e., competitive quotations, comparison with competitive published price lists, published market prices, fixed catalog prices).

4. Small business set asides. If a determination is made that there is no reasonable expectation of obtaining quotations from small businesses, as set forth in (FAR) 48 CFR 19.502-2(a), the DPA recipient shall document the order file with the reason(s) for the unrestricted purchase.

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5. Sole source justification. For requirements in excess of \$2,500, solicitations may only be limited to one source, if it is determined that it is the only source reasonably available ((FAR) 48 CFR 13.106-2(a)(5)), and if the price is determined fair and reasonable. If only one source is solicited, the official order file must be documented to explain the absence of competition.

6. Modifications. The official order file documentation shall include a summary of the price negotiation and determination of price reasonableness as set forth in paragraph VI.G. above.

DPA recipients shall use Form DOT F 4230.1, Simplified Acquisition Summary (Attachment 7) for the purpose of documenting their official order file. The DPA recipient shall sign the Simplified Acquisition Summary form as the approving official. Form DOT F 4230.1 need not be completed when the training is acquired from a Government source of supply.

E. Administration and Close out of Official Order Files.

DPA recipients are responsible for ensuring that:

1. training services are received and/or conducted in accordance with the terms of the order;

2. all necessary information is maintained and reported for all training obtained under these procedures;

3. invoices are reviewed and approved for payment in a timely fashion in order to preclude the payment of interest under the provisions of the Prompt Payment Act (31 U.S.C. 3109 et.seq.); and

4. official order files are not destroyed before three years after final payment.

F. Records.

In addition to the official order file, DPA recipients shall maintain a control log for the purpose of tracking all orders issued under these procedures when the acquisition is accomplished using an SF-182 or the Government purchase/credit card. As a minimum, the control log shall provide the name and address of the vendor, training date(s), title, and total price of the training acquired under these procedures. Any additional information required by human resources development organizations for tracking and reporting purposes must also be maintained.

By October 15 of each year, a copy of the log information for the previous twelve month period shall be provided to the Office of the Secretary, Human Resources Development Division, M-13, and to the DPA granting official to assist in Departmental advanced acquisition planning and maintaining oversight on the appropriate use of the delegated authority.

G. Except for individuals delegated purchasing authority under the micro-purchase threshold who are not expected to acquire training services in an amount greater than \$20,000 per fiscal year. Government employees serving as procurement officials must sign a Procurement Integrity Certification (see TAM 1203.104-5(d)(2)(ii)). Optional Form 333 ((FAR) 48 CFR 53.302-333), Attachment 8, herein may be used for this purpose. The term "procurement official" refers to any officer or employee of an agency who has participated personally and substantially in such duties as drafting reviewing approving a specification or statement of work, preparing or developing procurement requests, preparing or issuing solicitations, evaluating bids or proposals, selecting sources, negotiating prices, terms and conditions of a contract or contract modification, and reviewing and approving contract awards or modifications ((FAR) 48 CFR 3.104-4).

VIII. AUDIT AND REVIEW.

The DPA granting official is responsible for reviewing a random sample of the official order files and control logs to ensure that authorized procedures are being followed. The reviews shall be conducted no less frequently than every three years from the implementation date of these procedures. Written documentation of the results of these reviews shall be maintained by the cognizant contracting office and the records shall be made available to reviewing activities (i.e., GAO, OIG, DOT) on an as-required basis.

IX. IMPLEMENTATION.

These procedures may be used immediately, but shall be fully implemented no later than October 25, 1994.

List of Attachments:

Attachment 1	Sample DPA (Purchase/Credit Card)
Attachment 2A & 2B	OST Office of Financial Memoranda of 9/19/91 and 10/21/91
Attachment 3	Sample Request for DPA (Training Services)
Attachment 4	Sample DPA (Training Services)
Attachment 5	SF-182 Supplemental Terms and Conditions--DOT
Attachment 6	Sample Sole Source Justification
Attachment 7	Simplified Acquisition Summary, DOT F 4230.1
Attachment 8	Procurement Integrity Certification

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ATTACHMENT 1

S A M P L E

ACTION: Delegation of Procurement Authority
Number DT ____ *-DPA- ____ **

Chief of the Contracting Office

DPA Recipient (Name, OA, Routing Symbol)

You are hereby delegated the authority to purchase supplies or services and pay for such purchases using the International Merchant Purchase Authority Card (IMPAC), the current name of the Governmentwide Commercial Credit Card Program. No single purchase under this authority may exceed the micro-purchase threshold set forth in FAR 2.101, and is in accordance with further limitations which may be imposed upon you by your Approving Official. Supplies or services may be purchased, consistent with your organizational responsibilities and monthly purchase limits established by the Approving Official designated to review your purchases.

This delegation does not authorize you to purchase supplies or services on the open market that are required to be obtained from mandatory sources of supply (see Federal Acquisition Regulation (FAR), Part 8), nor does it authorize you to procure supplies or services for which procurement responsibility has been assigned to another organizational element. You are authorized to use the IMPAC for purchases not exceeding the micro-purchase threshold set forth in FAR 2.101, under General Services Administration (GSA) Federal Supply Schedule contracts from contractors who will accept the IMPAC.

All purchases must be made in accordance with applicable laws and regulations including, but not limited to, the FAR, the applicable GSA purchase/credit card contract (currently IMPAC which is the registered trademark of the Rocky Mountain Bankcard system), the DOT Purchase/Credit Card Program (Transportation Acquisition Manual Subchapter 1213.70), and OA purchase/credit card procedures.

This delegation shall automatically terminate upon your separation from the Department or reassignment to another office within the Department.

NOTE: At the discretion of the OA and the cognizant COCO, the purchase/credit card DPA and a DPA to acquire training services (see Attachment 4, which can be modified to indicate a micro-purchase threshold (FAR 2.101)) limitation may be combined into one delegation memorandum.

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ATTACHMENT 5

SF-182 SUPPLEMENTAL TERMS AND CONDITIONS FOR COMMERCIAL ACQUISITIONS--DOT

The following provisions/clauses supplement SF-182, Request, Authorization, Agreement and Certification of Training. All the following FAR/TAR clauses apply to this order at the dollar thresholds indicated below:

Required at all dollar levels:

- FAR 52.203-3 Gratuities (APR 84)
- * FAR 52.204-3 Tax Identification Number (TIN) (MAR 94)
TIN: _____ (Offeror provides)
- FAR 52.222-21 Certification of Nonsegregated Facilities (APR 84)
- FAR 52.222-22 Previous Contracts and Compliance Reports (APR 84)
- FAR 52.222-26 Equal Opportunity (APR 84)
- FAR 52.227-14 Rights in Data-General, w/Alt. I, II, III (JUN 87)
- FAR 52.232-1 Payments (APR 84)
- FAR 52.232-8 Discounts for Prompt Payment (APR 89)
- ** FAR 52.232-18 Availability of Funds (APR 84)
- FAR 52.232-25 Prompt Payment (MAR 94)
- FAR 52.233-1 Disputes (OCT 95)
- FAR 52.233-3 Protest After Award (AUG 96)
- FAR 52.236-1 Performance of Work by the Contractor (APR 84)
- FAR 52.243-1 Changes-Fixed Price (AUG 87) w/Alt. II, III
- FAR 52.245-2 Government Property (Fixed-Price Contracts) (DEC 89)
- FAR 52.245-4 Government-Furnished Property (Short Form) (APR 84)
- FAR 52.249-1 Termination for Convenience of the Government, (Fixed-Price) (Short Form) (APR 84)
- FAR 52.249-8 Default (Fixed-Price Supply and Service) (APR 84)

Required for actions greater than \$2,500:

- FAR 52.222-36 Affirmative Action for Handicapped Workers (APR 84)

Required for actions greater than \$10,000:

- FAR 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)
- FAR 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)

- * Must be incorporated in full text; all other clauses may be incorporated by reference. If the TIN is not provided verbally at the time of award, Clause FAR 52.204-3, shall be completed by the contractor and submitted with the contractor's invoice.
- ** Required if the action will be chargeable to funds of the new fiscal year and the action is to be initiated before the funds are available (see FAR 32.703-2 for limitations on use).

(a) Definitions.

"Common parent," as used in this solicitation provision, means that corporate entity that owns or control an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

"Corporate status," as used in this solicitation provision, means a designation as to whether the offeror is a corporate entity, an unincorporated entity (e.g., sole proprietorship or partnership), or a corporation providing medical and health care services.

"Taxpayer Identification Number (TIN)," as used in this solicitation provision means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns.

(b) All offerors are required to submit the information required in paragraph (c) through (e) of this solicitation provision in order to comply with reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the IRS. If the resulting contract is subject to the reporting requirements described in FAR 4.903, the failure of refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) Taxpayer Identification Number (TIN).

☐ TIN: _____
☐ TIN has been applied for.
☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.;

☐ Offeror is an agency or instrumentality of a foreign Government;

☐ Other. State basis: _____
_____.

(d) Corporate Status.

☐ Corporation providing medical and health care services, or engaged in the billing and collecting of payments for such services;

☐ Other corporate entity;
☐ Not a corporate entity;

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CHAPTER 1214

SEALED BIDDING

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CHAPTER 1214

SEALED BIDDING

SUBCHAPTER 1214.1--USE OF SEALED BIDDING

1214.101 Elements of sealed bidding.

1214.101-70 Independent Government estimates.

The requirements for an independent Government estimate found at TAM 1215.803(b) apply to this subchapter.

SUBCHAPTER 1214.2--SOLICITATION OF BIDS

1214.201 Preparation of invitation for bids.

1214.201-7 Contract clauses.

The authority of the HCA under (FAR) 48 CFR 14.201-7(b)(2) and (c)(2) is delegated to the COCO.

1214.202 General rules for solicitation of bids.

Approval of the contracting officer's determination that a solicitation for information or planning purposes is justified shall be made by an individual within the contracting office that is at least one level above the contracting officer. Bids shall not be requested in solicitations issued for information or planning purposes.

1214.202-4 Bid samples.

(d) *Justification.* The justification required by (FAR) 48 CFR 14.202-4(d) shall be prepared and signed by the technical official responsible for the procurement request and concurred in writing by the contracting officer.

1214.202-5 Descriptive literature.

(c) *Justification.* The justification required by (FAR) 48 CFR 14.202-5(c) shall be prepared and signed by the technical official responsible for the procurement request and concurred in writing by the contracting officer.

1214.202-7 Facsimile bids.

(a) Contracting officers may authorize facsimile bids (see (FAR) 48 CFR 14.201-6(w)) after considering the factors outlined in (FAR) 48 CFR 14.202-7, provided that procedures and controls are established by the COCO for receiving and safeguarding incoming bids.

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1214.213 Annual submission of representations and certifications.

(a) The DOT contracting offices are authorized to use annual representations and certifications submission procedures for sealed bidding provided that the requirements of subparagraph (b) below are met.

(b) The COCO shall establish procedures and assign responsibility for centrally requesting, receiving, storing, verifying and updating offerors' annual representations and certifications.

SUBCHAPTER 1214.4--OPENING OF BIDS AND AWARD OF CONTRACT

1214.401 Receipt and safeguarding of bids.

(a) Each contracting office receiving bids shall ensure proper identification and prompt forwarding of unopened bids for deposit in the bid box. Upon receipt, bid envelopes received by mail shall be time-stamped and checked for identification prior to deposit in the bid box. Insofar as possible, bid samples will receive the same degree of security as is afforded bids, and will be accounted for by the maintenance of local records. Under no circumstances shall bid samples be given away, loaned, diverted, or used for any purpose other than that intended.

1214.404 Rejection of bids.

1214.404-1 Cancellation of invitations after opening.

(c) The authority of the agency head under (FAR) 48 CFR 14.404-1(c) is delegated to the COCO. The written determination required by (FAR) 48 CFR 14.404-1(c) shall be retained in a file in accordance with (FAR) 48 CFR 4.805(m).

(e) The authority of the agency head under (FAR) 48 CFR 14.404-1(e) is delegated to the COCO.

1214.407 Mistakes in bids.

1214.407-3 Other mistakes disclosed before award.

(a)-(e) The authority of the agency head under (FAR) 48 CFR 14.407-3 is delegated to the COCO.

(i) Doubtful cases under (FAR) 48 CFR 14.407-3(i) should be forwarded first to the SPE for consideration before transmitting to the Comptroller General.

1214.407-4 Mistakes after award.

(b) The determination authorized under (FAR) 48 CFR 14.407-4(b) shall be in writing, made by the contracting officer, and included in the contract file.

(d) The coordination of the determination made under (FAR) 48 CFR 14.407-4(b) shall be conducted in accordance with OA procedures and evidence of legal counsel coordination shall be included in the contract file.

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1214.408 Award.

1214.408-2 Responsible bidder--reasonableness of price.

(a) The determination required by (FAR) 48 CFR 14.408-2 shall be in writing and included in the contract file.

1214.409 Information to bidders.

1214.409-2 Award of classified contracts.

Disposition actions for classified information furnished or created in connection with a solicitation shall be in accordance with the Defense Industrial Security Program. (See TAM 1204.403.)

1214.470 Revalidation of requirements.

If a procurement action has been in process for over 1 year from the date an adequate procurement request was received, the contracting officer shall revalidate the request to ensure a valid requirement still exists before the bid opening date. The revalidation shall be documented in the contract file.

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CHAPTER 1215

CONTRACTING BY NEGOTIATION

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1215.607 Disclosure of mistakes before award.

The authority of the agency head under (FAR) 48 CFR 15.607(c)(3) is delegated to the COCO.

1215.608 Proposal evaluation.

The authority of the agency head under (FAR) 48 CFR 15.608(b) is delegated to the COCO.

1215.612 Formal source selection.

(a) *General*. DOT's formal source selection procedures are contained in Appendix A to this chapter.

(b) *Responsibilities*. The authority of the agency head under (FAR) 48 CFR 15.612(b) has been reserved by the Secretary and assigned within the Office of the Secretary to the Assistant Secretary for Administration. The requirements contained in (FAR) 48 CFR 15.612(b) are addressed in Appendix A to this chapter.

SUBCHAPTER 1215.8--PRICE NEGOTIATION

1215.800-70 Scope of subchapter.

Whenever agreement on prices is necessary for prime contracts, contract modifications, and any orders under a contract, the requirements of this subchapter apply unless specifically excluded.

1215.801 Definitions.

"Order," for the purposes of this subchapter, means an action under a contract which requires or directs the contractor to provide supplies or services including, but not limited to: task orders, job orders, and orders under indefinite-delivery contracts, technical directions, letters of technical direction, technical task directives, directives and other similar actions. It does not include technical directions and directives which provide only technical instructions for clarification purposes. These technical instructions shall not change or modify any terms or conditions of the contract, including price, delivery, rights of the parties, or the effort to be performed.

1215.803 General.

(b) To support the contracting officer, the requiring office shall provide an independent Government estimate containing a total estimated cost with each procurement request, except as noted in subparagraph (3) below, when the procurement request is expected to result in an award of a contract; issuance of an order that requires agreement on work to be performed, hours, rates, or cost/price; or when there is an increase or decrease in performance which affects the cost or price of the contract.

(1) The independent Government estimate is to be supported by a clear delineation of how the estimate was derived. The major areas of labor (by

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category), materials, travel, consultant, computer usage, etc. shall be included with the estimate. Any previous cost experience the Government has had in buying the same or similar item(s) shall also be referenced.

(2) The independent nature of this estimate requires the Government to be the final decision authority on the composition of the Government estimate.

(3) Unless the contracting officer requires otherwise, an independent Government estimate is not required for a procurement request that is anticipated to result in:

(i) an award pursuant to simplified acquisition procedures cited at (FAR) 48 CFR Part 13;

(ii) an administrative modification (e.g., incremental funding modification);

(iii) a modification to exercise an option;

(iv) a modification to resolve a cost overrun (i.e., an action under a cost reimbursement contract that exceeds the total estimated amount of the basic contract or option price without changing the performance/technical requirements and pursuant to the clauses at (FAR) 48 CFR 52.232-20, Limitation of Cost, or FAR 52.232-22, Limitation of Funds); or

(v) a procurement of supplies sold in substantial quantities to the general public at established catalog or market prices; or

(vi) a procurement of supplies or services with a price set by law or regulation.

(d) Any price, profit or fee demands that the contracting officer considers unreasonable after taking all authorized actions are to be resolved by the COCO. The resolution shall be in writing and made a part of the contract file.

1215.804 Cost or pricing data and information other than cost or pricing data.

1215.804-6 Instructions for submission of cost or pricing data or information other than cost or pricing data.

(e) When an offeror refuses to provide needed data or take corrective action, the matter shall be referred to the COCO.

1215.805 Proposal analysis.

1215.805-5 Field pricing support.

(a)(1) DOT authorization to not get a field pricing report under the conditions of (FAR) 48 CFR 15.805-5(a)(1) shall be granted by the contracting officer. Complete written documentation supporting the rationale for not requesting a field pricing report shall be provided in the contract file.

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1215.807 Prenegotiation objectives.

(a) The contracting officer shall develop prenegotiation objectives for all pricing actions including new contracts, orders, and modification(s) to existing contracts when the total estimated amount (including options) is greater than the simplified acquisition threshold cited in (FAR) 48 CFR Part 13. This requirement does not apply to orders containing supplies that were fixed-price under a basic indefinite-delivery type contract and where negotiation is not needed to issue the order, nor is this requirement applicable to an order under a Federal Supply Schedule using procedures of (FAR) 48 CFR Subpart 8.4. For the purposes of this section and TAM 1215.808, orders placed on a time and material and labor-hour basis are not considered fixed-price.

(b) OAs shall establish procedures for the review and approval of prenegotiation objectives whether the objectives were derived by price analysis or cost analysis. The document presenting the prenegotiation objectives shall be referred to as the Prenegotiation Memorandum (PM) and shall be signed by the contracting officer, be approved at a level commensurate with the value and complexity of the proposed acquisition, and be in consonance with TAM Subchapter 1204.70.

(c) Support for the Government's prenegotiation objective(s) shall be in writing, be self-sustaining and have substance, rationale, and detail sufficient to explain to a third party how the overall reasonableness of the proposed prices were judged and how the prenegotiation objective represents a fair and reasonable amount.

(d) An optional model PM with format and content requirements is at Appendix B to this chapter. Appendix B provides documentation requirements for price analysis as well as cost analysis (Sections V and VI, respectively).

1215.808 Price negotiation memorandum.

(a) The contracting officer shall write a PNM which is compliant with particularly (FAR) 48 CFR 15.808 for all acquisitions requiring the development of prenegotiation objectives (see TAM 1215.807(a)).

(b) PNMs shall be in writing, be self-sustaining and have substance, rationale, and detail sufficient to explain to a third party how the overall reasonableness of the proposed prices were judged and how the negotiated amount is fair and reasonable.

(c) OAs shall establish procedures for the review and approval of PNMs. The PNM shall be signed by the contracting officer, approved at a level commensurate with the value and complexity of the proposed acquisition, and be in consonance with TAM Subchapter 1204.70.

(d) An optional model PNM format and minimum content requirements is at Appendix C to this chapter.

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1215.810 Should-cost review.

1215.810-2 Program should-cost review.

(d) When an OA determines that a should-cost analysis will be conducted, the should-cost analysis team report shall be prepared in accordance with OA procedures.

SUBCHAPTER 1215.9--PROFIT

1215.902 Policy.

(a) As required by (FAR) 48 CFR 15.902, DOT has established a structured approach for determining profit or fee objectives. This approach, referred to as the Weighted Guidelines Method, is based on the profit-analysis factors appearing in (FAR) 48 CFR 15.905.

(1) The same dollar threshold of (FAR) 48 CFR 15.804-2 and (FAR) 48 CFR 15.902(a) for receipt of certified cost or pricing data shall apply to the use of the Weighted Guidelines Method. Exceptions to the use of the Weighted Guidelines Method are found in paragraph (b) below.

(2) Form DOT F 4220.32, Weighted Guidelines Profit/Fee Objective, shall be used to determine profit or fee objectives for conducting negotiations in those acquisitions that require cost analysis and shall be made a part of the PM.

(b) The contracting officer may use, in accordance with OA procedures, an alternate structured approach in lieu of the Weighted Guidelines Method, for

(1) Architect-engineering contracts;

(2) Management contracts for operation and/or maintenance of Government facilities;

(3) Construction contracts;

(4) Contracts primarily requiring delivery of material supplied by subcontractors;

(5) Termination settlements;

(6) Cost-plus-award-fee contracts; and

(7) Contracts having unusual pricing situations.

(c) The rationale for profit or fee determined by an alternate structured approach shall be substantiated in a manner similar to that used in the Weighted Guidelines Method.

1215.905 Profit-analysis factors.

(a) The DOT Weighted Guidelines Method provides contracting officers with:

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(1) A technique that will insure consideration of the common factors of (FAR) 48 CFR 15.905-1 in establishing a profit/fee objective and the conduct of negotiations; and

(2) A basis for documentation of this objective, including an explanation of any significant departure from it in reaching a final agreement.

I (b) Appendix D provides elements which shall be considered when completing the Weighted Guidelines Profit/Fee Objective, Form DOT F 4220.32.

1215.905-2 Additional factors.

I Factors with regard to non-profit organizations are contained in DOT's structured approach. Details are provided in Appendix D.

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cost or price estimate provided by each offeror taking into account technical, contractual risks and schedule considerations.

To the extent that the details of this information are clearly presented and summarized in the evaluation team reports, repetition of the detailed information in this section of the Final SEB report is not necessary. This section would contain a summary of the results of the evaluation and reference the applicable pages/paragraphs of the evaluation team reports.

(6) Overall assessment of past performance. Provide an integrated analysis of the offeror's past performance history on contractual efforts that is relevant to the evaluation criteria for the proposal being reviewed.

(7) Contractual considerations. Discuss significant contractual arrangements with each offeror in the competitive range and any significant differences between offerors. List any exceptions taken by offerors to the Government's stated requirements.

(8) SEB findings. Provide a comparative analysis, expressed in brief statements, of the issues considered by the SEB to be significant to the decision. If requested by the SSO, a recommendation will be included.

(9) Signature page. Provide a final page bearing the signature of the Chairperson(s) and members of the SEB.

(e) Lessons Learned Memorandum.

There is no prescribed format for this, but it should be concise, and, if necessary, make recommendations for future policy changes. A copy should be forwarded to M-60 for possible policy changes in the TAM. The operating administrations shall determine who prepares this memorandum.

1215.612-79 Waivers.

Requests for a waiver from the requirements of this subchapter or portions thereof, shall be submitted to and approved by the designated SSO authority in TAM 1215.612(b)(2) (or a designee no lower than the Head of the Contracting Activity) except when the SSO is the Deputy Secretary. In this instance, requests are to be submitted to and approved by the Director, Office of Acquisition and Grant Management. The request for a waiver shall contain sufficient detail to clearly explain the basis for the request.

MODEL PRENEGOTIATION MEMORANDUM (PM)

I. INTRODUCTION. Provide a brief description of the supply or service being acquired. Include the procurement request number, the name of the contracting office processing the request, the solicitation number, and, if applicable, the modification and contract number.

II. COMPLIANCES. Address FAR compliance requirements completed before negotiations using the compliance listing found in Attachment 1. When prenegotiation compliance requirements are completed, this section shall constitute Section II of the PM, and a copy made and transferred to the PNM for completion of compliances made after negotiations. This will result in the PNM containing a record of all compliances made for the acquisition.

III. CONTRACT TYPE. Discuss the contract type anticipated to be used and justify why it was selected. Discuss technical, schedule and cost risk involved in the contract type selected.

IV. SUMMARY OF KEY DOCUMENTS. Identify the title and number (if applicable) and date of each key document. Include, as applicable, the following: (Each of the relevant documents shall be included in the contract file.)

- A. Prospective contractor's proposal.
- B. Audit report.
- C. Technical advisory report.
- D. Pre-award survey.
- E. Other.

V. EVALUATION OF OFFER(S).

A. **PRICE ANALYSIS.** When price analysis is used to determine the prenegotiation objective, use the format with the headings and appropriate subheadings below.

1. **BASIS FOR PRICE ANALYSIS.** Address the elements under the applicable subheading(s) below:

a. *Adequate Price Competition.*

(1) Explain how adequate price competition was determined. As a minimum, discuss: The number of offers received; for the responsive and responsible offers received, list the offerors' names and offered prices; and if the offerors competed independently for the award.

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ATTACHMENT 1

INSTRUCTIONS FOR COMPLETING THE LIST OF COMPLIANCES (LAST UPDATED IN 1994)

The List of Compliances on the following pages is not all inclusive nor in chronological order. The unique characteristics of an acquisition may require additional items to be addressed such as the use of precontract costs or actions taken as a result of Congressional or other high level officials. As a minimum, respond to the requirements on the list for each offeror as applicable.

The key shown below applies to the List of Compliances:

KEY:

"1" = document(s) must be attached to memorandum.

"*" = Comprehensive Acquisition Plan or Streamlined Acquisition Plan,
whichever is applicable

"Reference" = Unless otherwise specified, if response to a requirement is "no," clear and convincing support is required. Insert paragraph number of the memorandum where the support is found.

II. COMPLIANCES:

LIST OF COMPLIANCES

REQUIREMENT	YES	NO	N/A	REFERENCE
Justification for Other than Full and Open Competition was approved. ¹				
Determination and Finding(s) was/were approved. ¹				
Support for using a competitive proposal rather than sealed bidding was completed.				
Synopsis was released to the CBD.				
AP*/update (<i>circle one</i>) _____ (<i>no., title, or other identifier</i>) was approved.				
Acquisition is in conformity with the approved AP*.				
APP/update (<i>circle one</i>) was approved on _____ (<i>date</i>).				
A GSA Delegation of Procurement Authority was granted. ¹				
Prospective contractor and any subcontractor <u>is/are</u> on the "Parties Excluded from Procurement Programs". (If "yes," explain.)				
Prospective contractor has been determined responsible within the meaning of (FAR) 48 CFR 9.1 and is financially stable.				
Prospective contractor has an adequate accounting system as determined by _____ (<i>cognizant authority</i>) on _____ (<i>date</i>).				
Prospective contractor has an approved purchasing system as determined by _____ (<i>cognizant authority</i>) on _____ (<i>date</i>).				
Services determination has been made.				
Personal services has been <u>documented</u> in accordance with (FAR) 48 CFR 37.103.				

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APPENDIX C

MODEL PRICE NEGOTIATION MEMORANDUM (PNM)

I. INTRODUCTION. Provide a brief description of the supply or service being acquired. Include the procurement request number, the name of the contracting office processing the request, the solicitation number, and, if applicable, the modification and contract number. (If unchanged from the PM, a cross reference to or a restatement of Section I of the PM shall be made.)

II. COMPLIANCES. Address FAR compliance requirements completed after negotiations. A copy of the compliance listing completed in the PM (i.e., Appendix B, Attachment 1) shall also be inserted in this section. This listing constitutes Section II of the PNM.

III. CONTRACT TYPE. State what contract type(s) will be used and justify the type selected. Discuss technical, schedule and cost risk involved in the contract type selected. (If unchanged from the PM, a cross reference to or a restatement of Section III of the PM shall be made.)

IV. SUMMARY OF KEY DOCUMENTS. Identify the title/number and date of each key document, as applicable.

- A. Prenegotiation Memorandum (PM).
- B. Each Prospective Contractor's BAFO.
- C. Other.

V. EVALUATION OF OFFER(S).

A. **PRICE ANALYSIS.** Review each of the following headings and insert applicable information. (If unchanged from the PM, a cross reference to or a restatement of the applicable subparagraph of the PM shall be made.)

1. **BASIS FOR PRICE ANALYSIS.** State if the final price was based upon Adequate Price Competition, Established Catalog or Market Prices, and/or Set by Law or Regulation. Explain and support any changes from the information provided in the PM.

2. **PRENEGOTIATION OBJECTIVES.** Discuss and support any variances in the final price as compared to the prenegotiation objectives.

3. **SPECIAL REQUIREMENTS.** Discuss and support any changes from the PM including any protests received or resolved since the PM was approved.

B. **COST ANALYSIS.** When cost analysis is used to determine the prenegotiation objective, use the format shown below and address the content of each heading/subheading. Separate PNMs may be used for each offeror. (If unchanged from the PM, a restatement of or cross reference to Section V of the PM shall be made.)

1. INTRODUCTORY SUMMARY. Provide a top level summary comparing each offeror's proposal (applies when separate PNMs are not written for each offeror); the Government's prenegotiation objective; and the negotiated results by cost, profit/fee (percentage and dollar) and total. Add any other characteristics of the pricing arrangement such as: incentive share, minimum/maximum fee, ceiling price and percentage, option prices. See Attachment 1, TABLE 1, for an example of this format.

2. PARTICULARS. State the purpose of the negotiation, identify the date, place(s), and participants (including the name, position, and organization) in negotiations or any factfinding sessions conducted after PM approval.

3. PROCUREMENT SITUATION.

a. Discuss whether any changes in the schedule/performance period resulted from the negotiation. If a difference resulted, discuss why.

b. Identify any changes from the PM pertaining to Government property/facilities provided under the acquisition and the estimated dollar value for the Government property/facilities as a result of the change.

c. Describe any protests received after PM approval and their disposition, and any potential protests or issues which could impact the proposed award. In addition, update PM information pertaining to any protests received before PM approval.

4. NEGOTIATION SUMMARY.

a. *Cost Element Summary*. Provide a summary comparison in columnar format of the respective positions of each offeror's proposal (applies when separate PNMs are not written for each offeror), the Government's prenegotiation objective, and the final negotiated price. This comparison shall list all cost elements.

(1) Cost elements normally include: direct materials/subcontracts, direct labor, overhead, other direct costs (e.g., travel, packaging/packing), general and administrative, profit/fee, and facilities capital cost of money. See Attachment 1, TABLE 2, for an example of this format.

(2) For competitive acquisitions, a cost element breakdown is required only for those offerors determined to be in the competitive range.

b. *Development of Cost Elements*.

(1) *Data usage*.

(a) Discuss the extent to which certified cost or pricing data was relied upon and used in the negotiation.

(b) Discuss the extent to which inaccurate, incomplete, or noncurrent cost or pricing data was submitted; the action taken by the contracting officer and the offeror as a result; and the effect of the defective

data on the price negotiated.

(c) Discuss the availability, adequacy, and use of subcontractor cost and pricing data.

(d) Discuss the extent and adequacy of the contractor's review of subcontract proposals.

(2) *Fair and reasonableness of price.* Discuss how the final cost element amounts were derived and how the negotiated amount is considered fair and reasonable. The following items shall be addressed:

(a) The most significant facts or considerations controlling the establishment of the prenegotiation price objective and the negotiated amounts.

(b) Any considerations given to information contained in in-house technical evaluations, field pricing/audit reports, or other data not provided by the offeror which has changed or were not considered in the PM.

(c) Any additional data or updated information provided by the offeror during negotiations/factfinding and the consideration given to it.

(d) If the DOT F 4220.32 was used in supporting the negotiated profit/fee amount; the rationale supporting all assigned weightings; the total profit/fee negotiated; and the rationale supporting the minimum/maximum fee, if applicable.

(e) If the DOT F 4220.34 was used in supporting the final profit/fee amount, the rationale supporting all factors used.

(3) *Differences in positions.*

(a) Provide rationale for the differences between the Government's prenegotiation objectives and the negotiated results including the reasons for any pertinent variances from the field pricing/audit report, or other specialist recommendations that were supported through factfinding or negotiations.

(b) If a final settlement of incentive/award fee, explain any significant differences between targets, including adjustments and final costs.

c. *Other Competitive Acquisition Requirements.* In addition to the requirements above, for offerors determined to be within the competitive range, PNMs shall include:

(1) The events leading to the request of any best and final offers (BAFOs).

(2) The technical and cost/price evaluation of the BAFOs for each offeror.

(3) The technical and cost/price evaluation results by offeror.

(4) The rationale supporting the source selection decision.

5. SPECIAL REQUIREMENTS. If economic adjustment clauses or other special requirements are included which were not discussed in the PM, address the details and rationale for use. Include a discussion on the disposition of residual inventory, special tooling, and special test equipment.

6. SIGNATURES. The following shall be inserted and completed at the end of each PNM:

The following signatures represent: (1) agreement with the information contained herein; and (2) that the final negotiated price is fair and reasonable.

Prepared by: _____ Date: _____
(Signature and Title)

Reviewed by: _____ Date: _____
(Signature and Title if different than the approval authority)

Approved by: _____ Date: _____
(Signature and Title)

TABLE 1 TOP LEVEL COST ELEMENT SUMMARY
(Example only)

1. INTRODUCTORY SUMMARY.

	<u>ABC Co.</u>	<u>Prerenegotiation Objectives</u>	<u>Negotiated</u>
Estimated Cost (minus Cost of Money (COM))	\$1,113,756	\$1,061,592	\$1,102,476
Fee/Profit	\$122,546 (11.0%)	\$61,184 (5.8%)	\$82,553 (7.5%)
COM	\$37,100 (3.3%)	\$33,994 (3.2%)	\$34,143 (3.1%)
Total Amount	\$1,273,402	\$1,156,770	\$1,219,172

TABLE 2 COST ELEMENT SUMMARY
(Example only)

4. NEGOTIATION SUMMARY.

a. *Cost element summary.*

		<u>Prenegotiation Objectives</u>	<u>Negotiated</u>
Direct Material	<u>ABC Co.</u>		
Purch. Parts		\$ 76,509	\$ 84,780
Subcontract		\$ 67,200	\$ 67,200
Total Material	\$ 82,805	\$ 143,709	\$ 151,980
	\$ 68,060		
Direct Labor	\$ 150,865		
Engineer		\$ 334,210	\$ 342,869
Manufacturing		\$ 26,304	\$ 26,506
Total Labor	\$ 339,896	\$ 360,514	\$ 369,375
	\$ 26,427		
Overhead	\$ 366,323		
Material		\$ 11,777 (8.2%)	\$ 12,267 (8.1%)
Engineering	\$ 13,500 (8.9%)	\$ 395,548 (118%)	\$ 408,013 (119%)
Manufacturing	\$ 414,700 (122%)	\$ 34,465 (131%)	\$ 34,060 (128%)
Total Overhead	\$ 35,100 (133%)	\$ 441,790	\$ 454,340
Other Direct Costs	\$ 463,300	\$ 6,825	\$ 6,825
Subtotal	\$ 10,638	\$ 952,838	\$ 982,520
G & A	\$ 991,126	\$ 108,754 (11.4%)	\$ 119,956 (12.2%)
Subtotal Cost	\$ 122,630 (12.4%)	\$1,061,592	\$1,102,476
Fee	\$1,113,756	\$ 61,184 (5.8%)	\$ 82,553 (7.3%)
	\$ 122,546		
Total Cost	(11.0%)	\$1,122,766	\$1,185,029
COM	\$1,236,302	\$ 33,994 (3.2%)	\$ 34,143 (3.1%)
	\$ 37,100		
Total Amount	(3.3%)	\$1,156,770	\$1,219,172
	\$1,273,402		

DOT STRUCTURED APPROACH FOR PROFIT OR FEE OBJECTIVE

INTRODUCTORY REMARKS.

When using the Form DOT F 4220.32, Weighted Guidelines Profit/Fee Objective, the contracting officer shall categorize the acquisition as a manufacturing, research and development (R&D) or a services effort. To determine to which category a particular acquisition belongs, the contracting officer shall rely on the nature of the work to be performed. When acquisitions involving R&D and services require a significant amount of facilities for efficient contract performance (as determined by the contracting officer), the manufacturing weighted guidelines method may be appropriate. Similarly, certain contracts for the manufacture of small quantities of high technology supplies and equipment may not require a significant amount of facilities. In these cases, an R&D classification may be appropriate.

In determining profit or fee, DOT recognizes the tax posture of the business entity. A fair and reasonable management fee to a non-profit organization with a tax-exempt status is considerably lower than a profit/fee to a commercial enterprise with a taxable status.

Non-Profit Organizations.

The following applies to non-profit organizations:

1. As used in this subchapter, non-profit organizations are defined as those business entities organized and operated exclusively for charitable, scientific, or educational purposes; of which no part of the net earnings accrue to the benefit of any private shareholder or individual; of which no substantial part of the activities include carrying on propaganda, or otherwise, on behalf of any candidate for public office; and which are exempt from Federal income taxation under Section 501 of the Internal Revenue Code.

2. When the Weighted Guidelines Method for arriving at a profit/fee position is used for non-profit organizations, the contracting officer shall make the following adjustments:

a. The weight ranges for "Cost risk" (Item 14 on the DOT F 4220.32) shall be replaced with -1 to 0.

b. The Total Profit/Fee Objective (Item 20 on the DOT F 4220.32) shall be reduced by up to 1% for manufacturing type efforts and up to 3% for R&D or Services type efforts.

Commercial Organizations.

For the purposes of this subchapter, DOT utilizes the description from (FAR) 48 CFR 31.103 to describe commercial organizations.

I. CONTRACTOR EFFORT.

This factor takes into account what resources are necessary and what the contractor must do to meet the contract performance requirements. Evaluation of this factor and the assignment of weights on the DOT F 4220.32 requires analyzing the cost content of the proposed contract in the following areas:

A. Material acquisition (e.g., subcontracted items, purchased parts, and other material).

1. Consider the managerial and technical efforts necessary for the prime contractor to administer subcontracts and select subcontractors, including efforts to break out subcontracts from sole sources through the introduction of competition.

2. Consider whether the contractor's purchasing program makes a substantial contribution to the performance of a contract through the use of subcontracting programs involving many sources; new complex components, systems, or subsystems; and close surveillance by the prime contractor.

B. Direct labor (e.g., engineering, service, manufacturing, and other labor).

1. Analysis of the various items of cost shall include evaluation of the comparative quality and level of the engineering talents, manufacturing and service skills, and experience to be employed. In evaluating labor for the purpose of assigning profit weights, consideration shall be given to the amount of notable scientific talent, unusual or scarce engineering talent needed, in contrast to journeyman engineering effort or supporting personnel. Higher weights are normally assigned to engineering, professional, or highly technical skill levels and lower weights to semiprofessional or other skill levels.

2. The variety of engineering, manufacturing and other types of labor skills required and the contractor's manpower resources for meeting these requirements shall be considered.

C. Overhead and general management (general and administrative (G&A)).

When analyzing overhead and G&A, consider the makeup of these expenses and how much they contribute to contract performance. If the contractor proposes a single indirect cost rate, the contracting officer shall breakout the composite rate or contact the auditor to determine what is in the overhead and G&A expense pools. This information will assist in determining the appropriate weights for overhead and G&A on the DOT F 4220.32.

D. Other costs.

Include all other direct costs associated with contractor performance under this item. This includes airfare, lodging, computer support, etc. The assignment of a weight on the DOT F 4220.32 for this factor shall be based on the nature of these costs and how much they contribute to contract performance.

II. CONTRACTOR RISK.

The degree of cost risk assumed by the contractor should influence the amount of profit/fee anticipated. Consider the following when determining a weight for cost risk:

A. Contract type.

The degree of cost risk is related to the selection of contract type. For example, if a portion of the risk has been shifted to the Government through cost-reimbursement, or other risk reducing measures, the weight assigned to this factor should be less than acquisitions where the contractor assumes most or all of the risk. This is particularly evident when using time-and-material and labor-hour contracts priced on a time and material basis. These contract types shall be considered to be cost-plus-fixed-fee contracts for the purpose of establishing a profit weight in the evaluation of the contractor's assumption of cost risk.

B. Subcontracting program.

The contractor's subcontracting program may have a significant impact on the contractor's acceptance of risk under a particular contract type. Analysis is necessary to determine if real cost risk has been transferred to a subcontractor. If this is the case, the contract cost risk weight assigned may be below the range that would normally be assigned.

C. Definitization.

For procurement actions that involve definitization of a letter contract, unpriced change orders, etc., where partial performance has occurred, evaluate the effect on total contract cost risk. If it is determined that the total amount of cost risk has been effectively reduced as a result of the partial performance, a lower weight may be appropriate. In addition, evaluate the type of work performed (e.g., complexity) and the type of work remaining to ensure an equitable weight assignment.

III. FACILITIES INVESTMENT.

Form DOT F 4220.34, Facilities Capital and Cost of Money, is used to determine the capital employed and cost of money amounts to be entered on the DOT F 4220.32.

A. Utilization.

To evaluate how facilities contribute to the profit objective requires knowledge of the level of facilities utilization needed for contract performance, the source and financing of the required facilities, and the overall cost effectiveness of the facilities offered. Contractors furnishing their own facilities that significantly contribute (as determined by the contracting officer) to lower total contract costs generally receive additional profit/fee. Conversely, contractors that rely on the Government to provide or finance needed

facilities normally receive a correspondingly lower profit/fee. The following factors should also be considered:

1. The productivity improvements resulting from the facilities capital investment including the economic value of the facilities capital (e.g., physical age, undepreciated value, idleness, and expected contribution to future Government needs).

2. The degree to which the capital investment has direct, identifiable, and exceptional benefits to the Government, such as: new investments in state-of-the-art technology which reduce acquisition cost or yield other tangible benefits such as improved product quality or accelerated deliveries, or investment in new equipment for R&D applications.

B. New Investment.

To assist in evaluating *new* investment, the contracting officer should request the contractor to submit reasonable evidence that the new facilities investment will result in benefits to the Government.

IV. SPECIAL FACTORS.

A. Productivity.

The purpose of this factor is to recognize a prospective contractor's investment in modern cost-reducing facilities and other improvements in efficiency. This factor is applied when the acquisition is a follow-on manufacturing effort, actual cost data are available to establish a baseline, and changes in item configuration are not large enough to invalidate price comparability. The dollar amount inserted under the measurement base of the DOT F 4220.32 is based on the estimated cost reduction that can be attributed to productivity gains.

B. Independent development.

The purpose of this factor is to recognize independent research and development on the part of the prospective contractor pertaining to the end item being procured. To determine the appropriate weight to assign this factor on the DOT F 4220.32, it is important to evaluate whether the development cost was recovered directly or indirectly from Government sources. This factor is applied when the item is important to the advancement of the DOT mission and the prospective contractor demonstrates initiative in determining the need and application of the developed item.

C. Other.

1. *Socioeconomic programs.* This factor covers a number of special circumstances or particular acquisitions. It relates to the prospective contractor's participation in Federal socioeconomic programs. In addition to providing a reward for unusual initiative in supporting Government socioeconomic programs, failure or unwillingness on the part of the prospective contractor to

support these programs should be viewed as evidence of poor performance for the purpose of establishing this profit/fee objective factor.

2.*Performance.* The purpose of this factor is to evaluate the prospective contractor's past and present performance in such areas as: product quality, meeting specifications and contract schedules (including the administrative aspects of performance), efficiency in cost control (including the need for and reasonableness of costs incurred) especially under cost reimbursement contracts, accuracy and reliability of previous cost estimates, timely processing of changes, standards of good workmanship, history for reasonable and cooperative behavior and commitment to customer satisfaction, and the prospective contractor's business-like concern for the interest of the customer.

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CHAPTER 1216

TYPES OF CONTRACTS

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CHAPTER 1216

TYPES OF CONTRACTS

SUBCHAPTER 1216.2--FIXED-PRICE CONTRACTS

1216.206 Fixed-ceiling-price contracts with retroactive price redetermination.

1216.206-3 Limitations.

(d) The authority of the HCA under (FAR) 48 CFR 16.206-3(d) must be retained at the HCA or higher level.

SUBCHAPTER 1216.3--COST REIMBURSEMENT CONTRACTS

1216.306 Cost-plus-fixed-fee contracts.

(c)(2) When making the required determination and findings under (FAR) 48 CFR 16.306, the contracting officer shall use a format substantially the same as the format found in Appendix A to this chapter.

SUBCHAPTER 1216.5--INDEFINITE-DELIVERY CONTRACTS

1216.501-2 General.

(b)(2) The procurement request initiator shall prepare a written statement outlining the basis and methodology for determining the estimated quantity under an indefinite-quantity contract and a requirements contract.

1216.505 Ordering.

(a)(4) See TAM 1232.702-70 for additional requirements pertaining to oral orders.

SUBCHAPTER 1216.6--TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS

1216.601 Time-and-materials contracts.

(c) *Limitations.* When making the required determination and findings, the contracting officer shall use a format substantially the same as the format found in Appendix B to this chapter.

1216.602 Labor hour contracts.

When making the required determination and findings, the contracting officer shall use a format substantially the same as the format found in Appendix B to this chapter.

1216.603 Letter contracts.

1216.603-2 Application.

(c) The authority of the HCA under (FAR) 48 CFR 16.603-2(c) is delegated to the COCO. Extensions to the definitization of a letter contract shall be approved by the COCO. See TAM 1243.70 for other requirements applicable to letter contracts as undefinitized contract actions.

1216.603-3 Limitations.

The authority of the HCA under (FAR) 48 CFR 16.603-3 is delegated to the COCO.

(a) Requests for authority to issue a letter contract shall include as a minimum:

- (1) the name and address of the proposed contractor;
- (2) the location where the contract is to be performed;
- (3) the contract number, including modification number, if applicable;
- (4) a brief description of the work or services to be performed;
- (5) the amount of the letter contract;
- (6) the performance period or delivery schedule;
- (7) the estimated total amount of the definitive contract;
- (8) the type of definitive contract to be executed (firm-fixed-price, cost-plus-award-fee, etc.);
- (9) a statement that the definitive contract will contain all required clauses or that deviations to the required clauses have been obtained;
- (10) a statement as to the necessity and advantage to the Government of a letter contract and why no other contract type is suitable; and
- (11) a statement as to the competition received pursuant to (FAR) 48 CFR 16.603-3(b).

(b) Profit or fee under letter contracts shall not be paid until after definitization of the letter contract (see (FAR) 48 CFR 1252.216-74).

(c) Letter contracts shall contain the appropriate sections of the uniform contract format as discussed at (FAR) 48 CFR 15.406 as practicable.

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CHAPTER 1217

SPECIAL CONTRACTING METHODS

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CHAPTER 1217

SPECIAL CONTRACTING METHODS

SUBCHAPTER 1217.1--MULTI-YEAR CONTRACTING

1217.102 Policy.

1217.102-3 Objectives.

(d)(1) *Level unit prices.* The authority of the HCA under (FAR) 48 CFR 17.102-3(d)(1) is delegated to the COCO.

(d)(2) *Cancellation provisions.* The authority of the HCA under (FAR) 48 CFR 17.102-3(d)(2) is delegated to the COCO.

(d)(3) *Recurring costs in cancellation ceiling.* The authority of the agency head under (FAR) 48 CFR 17.102-3(d)(3) is delegated to the HCA.

(d)(4) *Annual and multiyear proposals.* The authority of the HCA under (FAR) 48 CFR 17.102-3(d)(4) is delegated to the COCO.

1217.103 Procedures.

1217.103-4 Award.

(d) The authority of the HCA under (FAR) 48 CFR 17.103-4(d)(2) and (3) is delegated to the COCO.

1217.104 General.

(b) The authority of the agency head under (FAR) 48 CFR 17.104(b) has already been redelegated under the deviation approval authority of 1201.470.

SUBCHAPTER 1217.2--OPTIONS

1217.204 Contracts.

(e) Total contract periods may exceed five years as approved by the chief of the contracting office on a case-by-case basis. This authority shall not be delegated.

(1) Situations that may warrant this approval include contracts with phase-in or phase-out requirements or when the requirement is known, stable, and recurring; and the price and availability in the commercial market place is expected to be relatively stable during the period of the contract.

(2) Chief of the contracting office approval shall be made before a solicitation is released and documented in the contract file. Documentation shall include rationale for why a period longer than five years is necessary and how the price risks normally associated with a long performance period were mitigated.

SUBCHAPTER 1217.4--LEADER COMPANY CONTRACTING

Leader company contracting shall not be used without the written authorization of the SPE.

SUBCHAPTER 1217.5--INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT

1217.500 Scope of subchapter.

This subchapter establishes DOT policy and procedures to assure the appropriate and consistent use of interagency acquisitions under the Economy Act (31 U.S.C. 1535) as prescribed by (FAR) 48 CFR 17.5.

1217.501 Definition.

"Interagency Acquisition" means a procedure by which an OA obtains needed supplies or services from, or through, another Federal agency, and appropriated funds are obligated.

"Interagency Agreement" means the legal instrument used for an interagency acquisition to exchange funds or property between an OA and another Federal agency. This instrument is used when the OA meets the definition of either the Requesting Agency or the Servicing Agency.

"Memorandum of Understanding (MOU)" or "Memorandum of Agreement (MOA)" means the legal instrument used when OAs commit to the performance of specified actions with another OA, another Federal agency, or a non-Federal entity and the exchange of funds or property is not involved.

"Military Interdepartmental Procurement Requests (MIPR)" means a type of interagency agreement used to place orders for supplies and non-personal services with a military department.

"Requesting Agency" means the Federal agency which needs the supplies or services, and is obligating the funds to provide for the costs of performance.

"Servicing Agency" means the Federal agency which is providing the supplies, or performing the services, directly or indirectly, and will be receiving the funds to provide for the costs of performance.

1217.502 General.

(a) Policy.

(1) Except as provided in (FAR) 48 CFR 7.3, it is the policy of DOT not to place Federal agencies in direct competition with commercial sources.

(2) It is the policy of DOT to require that interagency agreements are written to assure that the obligation of fiscal year funds is valid, that statutory authority exists to perform the stated requirements, that the stated requirements are consistent with DOT's mission responsibilities, and that each agreement complies with applicable laws and regulations.

(3) *Applicability.* The provisions of this subchapter apply to interagency acquisitions and agreements.

(4) *Exceptions.* The provisions of this subchapter do not apply to:

(i) MOUs and MOAs, as defined in 1217.501 above;

(ii) Supplies and services acquired from or through Government sources, as described in (FAR) 48 CFR Part 8;

(iii) Contracts with the Small Business Administration based upon Section 8(a) of the Small Business Act; and

(iv) Cooperative agreements, as described in DOT Order 4000.8A, Use of Contracts, Grants, and Cooperative Agreements.

(b) *Appropriations Principles.*

The appropriate use of interagency acquisitions embodies several principles of Federal appropriations law.

(1) In order to record a valid obligation of appropriations, 31 U.S.C. 1501 imposes the requirements that interagency agreements be:

(i) A binding written agreement for specific goods or services to meet an existing bona fide need;

(ii) For a purpose authorized by law; and

(iii) Executed before the expiration of available funds.

(2) The Economy Act (31 U.S.C. 1535) authorizes interagency acquisitions, and provides for payment in advance, as well as reimbursement to the appropriation account to which the performance costs have been charged. The Economy Act further authorizes the servicing agency, as an alternative to fulfilling the requirement through internal resources, to obtain the needed supplies or services by contract. However, an Economy Act acquisition shall not be used to circumvent the competition requirements prescribed in (FAR) 48 CFR Part 6.

(3) An agreement entered into under the Economy Act is recorded as an obligation by the requesting agency the same as a contract. However, under the Economy Act, the obligated appropriations must be deobligated upon their date of "expiration" to the extent that the servicing agency has not incurred obligations through charged costs or under a contract. This deobligation requirement is applicable to annual and multiple-year appropriations; it is not applicable to no-year appropriations. MIPRs are viewed as authorized by the Economy Act.

(4) Where an interagency acquisition is based upon some statutory authority other than the Economy Act:

(i) The advance payment provision of the Economy Act does not apply. The statute cited as the authority for the agreement must also specifically permit an advance payment; otherwise, payment must be on a reimbursement basis.

(ii) The provision of the Economy Act which permits the servicing agency to obtain the needed supplies or services by contract does not apply. The statute cited as the authority for the agreement must also not specifically prohibit the servicing agency from fulfilling the requirement by contract. If such a prohibition exists, the servicing agency may only use internal resources to fulfill the requirement.

(iii) The deobligation required by the Economy Act does not apply. In this situation, the obligation will remain available for payment, regardless of when performance occurs, in the same manner as a contract obligation.

(5) Within DOT, the OAs have a number of statutory authorities available for entering into interagency agreements. Each OA shall be responsible for determining those authorities, as well as constraints applicable to the use of advance payments and contractors.

1217.503 Determinations and findings requirements.

(a) *Applicability.* Prior to the execution of an interagency agreement under the Economy Act, the CO shall sign the determination required in (FAR) 48 CFR 17.503.

(b) *Exceptions.* Such determination is not required for interagency agreements entered into under authorities other than the Economy Act.

(c) *Determination contents.* The determination shall be prepared in substantially the same format as shown in Appendix A and shall contain the following:

(1) An explanation as to why obtaining the supplies or services through another Federal agency is more economical or more convenient than by direct contract with a commercial concern; and

(2) As appropriate, the findings required by (FAR) 48 CFR 17.503.

1217.504 Ordering procedures.

(a) Requests for the processing of interagency agreements shall be submitted on Form DOT F 4200.1, Procurement Request, to the procurement office serving the requiring office.

(b) The Procurement Request (PR) shall state whether the work is to be performed by an OA, a Federal agency other than DOT, or through one of these entities by a contractor.

(c) Where the Economy Act is to be used as the authority for an interagency acquisition, the requiring office shall include with the PR documentation of the elements considered which support the conclusion that it is more economical to

obtain the required supplies or services through the proposed interagency agreement, rather than by direct contract with a commercial concern. Current market prices or recent procurement prices may be used in this process.

(d) Orders placed under interagency agreements may take any form which is legally sufficient and reflects the agreement of the parties. The format shown in Appendix B is recommended for use by OAs when they are the requesting agency. (Other servicing agencies may have their own formats for interagency agreements.)

(e) The CO shall assure compliance with the ordering procedures and payment provisions prescribed in (FAR) 48 CFR 17.504 and 17.505, and should require inclusion of the following additional provisions in all interagency agreements and/or orders placed against them:

- (1) Legislative authority;
- (2) Period of performance;
- (3) Dollar amount of agreement;

(4) Billing provisions, including the name and address of the following offices:

- (i) Designated office to receive the required deliverables; and
 - (ii) Designated office to receive billings and process payments;
- (5) Modification and termination provisions; and
- (6) Other provisions, as appropriate.

(f) The CO shall assure that each interagency agreement or order placed against it includes a reference number assigned by each of the parties. Such numbers shall be assigned in accordance with the existing procedures established by the respective organizations.

(g) Modifications to existing interagency agreements may be accomplished through the use of a SF 30, Amendment of Solicitation/Modification of Contract, or through any other format acceptable to the parties.

1217.570 Signature authority.

All interagency agreements and/or orders placed against them which will result in a procurement action by the requesting or servicing agency shall be signed by a DOT CO.

SUBCHAPTER 1217.6--MANAGEMENT AND OPERATING CONTRACTS

1217.602 Policy.

(a) The authority of the agency head under (FAR) 48 CFR 17.602(a) is nondelegable.

DEPARTMENT OF TRANSPORTATION
Name of Operating Administration

DETERMINATION AND FINDINGS

Findings

1. The proposed Interagency Agreement with *(name of agency)* is to obtain *(description and purpose of supplies or services required)*.
2. It is more economical (or more convenient) to obtain the required supplies or services through the proposed Interagency Agreement, rather than by direct contract with a commercial concern because *(state rationale)*.
3. Legal authority for the acquisition otherwise exists.
4. The action does not conflict with any other agency's authority or responsibility.
5. The acquisition involves the use of a commercial or industrial activity operated by the servicing agency, and conforms to the requirements of (FAR) 48 CFR Subpart 7.3. *(Include only if applicable: This finding is applicable if the servicing agency operates a commercial or industrial activity using Government personnel. In order to conform to the requirements of (FAR) 48 CFR Subpart 7.3, the servicing agency must operate the activity as the result of an A-76 review process, or the activity must be scheduled for A-76 review.)*

Determination

Based upon these findings, I hereby determine that it is in the Government's interest to obtain the required supplies/services from another Federal agency, as authorized by the Economy Act (31 U.S.C. 1535).

Date

Contracting Officer

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CHAPTER 1219

SMALL BUSINESS PROGRAMS

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CHAPTER 1219

SMALL BUSINESS PROGRAMS

SUBCHAPTER 1219.2--POLICIES

1219.201 General policy.

(c)(2) The authority of the agency head under (FAR) 48 CFR 19.201(c)(2) is nondelegable.

(c)(7) The authority of the Director, Office of Small and Disadvantaged Business Utilization (S-40), OST under (FAR) 48 CFR 19.201(c)(7) is delegated to the HCA. A copy of the written assignment of the Small Business Technical Advisor (see TAM 1219.201(d)) shall be sent to S-40.

(c)(9) The OA small business specialist (see TAM 1219.201(d)) acting on behalf of the Office of Small and Disadvantaged Business Utilization (S-40) should review each procurement request over the simplified acquisition threshold to comply with the requirements of (FAR) 48 CFR 19.201(c)(9).

(d) Within DOT, the small business technical advisor is synonymous with the small business specialist (formerly known as the small and disadvantaged business utilization specialist or the small business liaison officer). The small business specialist shall:

(1) Maintain a program designed to locate capable small, small disadvantaged and women-owned small business concerns for current and future acquisitions;

(2) Coordinate inquiries and requests for advice from small, small disadvantaged and women-owned small business concerns on acquisition matters;

(3) Review procurement requests which do not meet the requirements of (FAR) 48 CFR 13.105(a) (see (FAR) 48 CFR Part 13 to): (A) assure that all small business concerns will be afforded an equitable opportunity to compete; (B) initiate recommendations for small business set-asides (individual and class);

(C) identify requirements for the 8(a) program; and (D) identify the possible breakout of items or services suitable for acquisition from small, small disadvantaged and women-owned small business concerns;

(4) Take action to assure the availability of adequate specifications and drawings, when necessary, to obtain small business participation in an acquisition. When the small business concerns cannot be given an opportunity on a current acquisition, initiate action, in writing, with appropriate technical and contracting personnel to ensure that necessary specifications and/or drawings for future acquisitions are available;

(5) Advise small businesses with respect to the financial assistance available under existing laws and regulations and assist such concerns in applying for financial assistance;

(6) Participate in the evaluation of prime contractor's small business subcontracting programs;

(7) Assure that adequate records are maintained, and accurate reports prepared, concerning small business participation in acquisition programs;

(8) Make available to SBA copies of solicitations when requested;

(9) Act as liaison with the appropriate SBA office or representative in connection with set-asides, certificates of competency, size classification, and any other matter concerning the small and small disadvantaged business programs; and

(10) Participate in Business Opportunity/Federal Procurement Conferences and other Government-industry conferences and meetings, as required.

1219-201-90 Procurement Center Representative (PCR).

(a) The Small Business Administration has a PCR located at the following DOT contracting activities:

- (1) Coast Guard Academy, New London, CT;
- (2) Coast Guard Civil Engineering Unit, Juneau, AK;
- (3) Coast Guard Facilities Design and Construction Center, (Pacific), Seattle, WA;
- (4) Federal Aviation Administration, Des Plaines, IL;
- (5) Federal Aviation Administration, Oklahoma City, OK;
- (6) Federal Aviation Administration, Atlantic City, NJ;
- (7) Federal Aviation Administration, Fort Worth, TX;
- (8) Federal Aviation Administration, Burlington, MA;
- (9) Federal Highway Administration, Denver, CO; and
- (10) Volpe National Transportation Systems Center, Cambridge, MA.

(b) A SBA-PCR is located in the Office of Small and Disadvantaged Business Utilization (S-40). This individual serves as the PCR for each contracting activity located at or assigned to the OA Headquarters in the Washington, DC-Metropolitan Area.

1219.202 Specific policies.

1219.202-2 Locating small business concerns.

(b) The Department's Office of Small and Disadvantaged Business Utilization (OSDBU), disseminates notices of proposed acquisitions to the small, small and disadvantaged, and women owned business community through a National Information Clearinghouse. In order for the Clearinghouse to function, the person responsible for transmission of the synopsis to the CBD shall also furnish a copy of the synopsis to OSDBU. The copy should be sent at the same time the notice is sent to the CBD. The synopsis is to be sent to OSDBU, by one of three methods, which are listed in descending order of preference:

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- (1) **FAX** FTS (202) 366-7538.
- (2) **Floppy Disc:** Office of Small and Disadvantaged Business
Utilization, S-40
National Information Clearinghouse
400 7th St., S.W.
Washington, DC 20590

(use ASCII standard format; Word Perfect - use
DOS format)
(For questions, please call (202) 366-5335).
- (3) **Hard Copy** Same address as for floppy disc.

1219.202-5 Data collection and reporting requirements.

(b) In addition, the Major Procurement Preference Program Goals Monthly Reporting Form, shall be submitted monthly to the Director, OSDBU, in accordance with OA procedures.

SUBCHAPTER 1219.5--SET-ASIDES FOR SMALL BUSINESS

1219.501 General.

(c) The small business specialist shall initiate recommendations to the contracting officer for small business set-asides with respect to individual acquisitions or classes of acquisitions or portions thereof.

1219.502 Setting aside acquisitions.

1219.502-3 Partial set-asides.

The authority of the HCA under (FAR) 48 CFR 19.502-3(a)(5) is delegated to the COCO.

1219.505 Rejecting Small Business Administration recommendations.

(b) The authority of the HCA under (FAR) 48 CFR 19.505(b) is delegated to the COCO.

(c) The authority of the agency head under (FAR) 48 CFR 19.505(c) is delegated to the HCA. The authority of the HCA under (FAR) 48 CFR 19.505(c) is delegated to the COCO.

(d) The authority of the agency head under (FAR) 48 CFR 19.505(d) has been delegated to the HCA. The authority of the HCA is delegated to the COCO.

(e) The authority of the agency head under (FAR) 48 CFR 19.505(e) is delegated to the HCA.

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1219.506 Withdrawing or modifying set-asides.

(b) The COCO shall be responsible for resolution of disagreements between the contracting officer and the OAs Small Business Specialist.

SUBCHAPTER 1219.6--CERTIFICATES OF COMPETENCY AND DETERMINATIONS OF ELIGIBILITY

1219.602 Procedures.

1219.602-1 Referral.

A copy of the documentation supporting the determination that a small business concern is not responsible, as required by (FAR) 48 CFR 19.602-1(a), shall be transmitted to the Director, OSDDBU, concurrently with the submission of a copy of the documentation to the appropriate SBA Regional Office.

SUBCHAPTER 1219.7--SUBCONTRACTING WITH SMALL BUSINESS, SMALL DISADVANTAGED BUSINESS AND WOMEN-OWNED SMALL BUSINESS CONCERNS

1219.704 Subcontracting plan requirements.

1219.704-70 Reporting requirements.

Contractors must comply with the requirements of 15 U.S.C. 637 as implemented by (FAR) 48 CFR 52.219-9 and (TAR) 48 CFR 1252.219-70. The contracting officer shall forward a copy of the first SF-294 and the original of each SF-295 received from contractors to S-40.

1219.705 Responsibilities of the contracting officer under the subcontracting assistance program.

1219.705-2 Determining the need for a subcontracting plan.

A copy of the determination that there are no subcontracting opportunities (see (FAR) 48 CFR 19.705-2(c)) shall be provided to the Director, OSDDBU.

1219.705-6 Postaward responsibilities of the contracting officer.

A copy of the approved small business subcontracting plan shall be provided to the Director, OSDDBU.

SUBCHAPTER 1219.8--CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(a) PROGRAM)

1219.804 Evaluation, offering, and acceptance.

1219.804-470 Repetitive acquisitions.

Any requirement which has previously been procured through the 8(a) Program, but which is now being proposed for repurchase outside of the 8(a) Program must be approved by the Director, OSDDBU, in accordance with OA procedures. The

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must be approved by the Director, OSDBU, in accordance with OA procedures. The clearance shall be obtained prior to any public notice or solicitation of the requirement.

1219.810 SBA appeals.

The authority of the agency head under (FAR) 48 CFR 19.810(a), (b), and (c) is delegated to the COCO.

1219.812 Contract administration.

The authority of the agency head under (FAR) 48 CFR 19.812(d) is delegated to the COCO.

SUBCHAPTER 1219.70--SMALL BUSINESS INNOVATION RESEARCH PROGRAM

1219.7001 Small Business Innovation Research (SBIR) Program.

(a) The Small Business Innovation Development Act of 1982 (Pub. L. 97-219) and reauthorizing legislation (Pub. L. 99-443) and the Small Business Research and Development Act of 1992 (Pub. L. 102-564) seek to encourage the initiative of the private sector and to use small businesses as effectively as possible in meeting Federal research and development objectives. Each agency is required to set aside a percentage of their budget for a Small Business Innovation Research Program (SBIR). To comply with obligations of the Act, DOT established a Small Business Innovation Research Program which conforms to these public laws and to guidelines and regulations of the Small Business Administration. By memorandum dated November 5, 1992, the Secretary delegated to the DOT Transportation System Center, the overall responsibility for coordinating and implementing the DOT SBIR.

(b) Annually, DOT solicits from small businesses, innovative research proposals that address high priority requirements of the DOT and have potential for commercialization. The DOT SBIR Program is a three-phase process:

(1) Phase I is the conduct of feasibility-related experimental or theoretical research or Research and Development (R&D) efforts on specified research topics. The dollar value of the proposal should not exceed \$100,000 and the period of performance may be up to six months. The primary basis for award will be the scientific and technical merit of the proposal and its relevance to DOT requirements. Only awardees in Phase I are eligible to participate in Phase II.

(2) Phase II is the principal research or R&D effort having a period of performance of approximately two years with a dollar value of up to \$750,000. Phase II proposals under the SBIR Program are accepted only from firms which have previously received a DOT Phase I award. Awards would be based upon the results achieved in Phase I, the technical merit of the Phase II proposals, potential for commercialization and commitment for follow-on funding from non-federal sources for Phase III.

(3) Phase III is to be conducted by the small business with nonFederal funds to pursue commercial applications of the research or R&D funded in Phases I and II by DOT. Phase III may also involve follow-on non-SBIR funded contracts with components of DOT for products or processes for use by the Government.

1219.7002 Eligibility requirements.

To be eligible under the DOT SBIR Program, the firm must qualify as a small business for research or R&D purposes; the primary employment of the principal investigator must be with the proposing firm at the time of award and during the proposed research effort; and, the research or R&D work must be performed in the United States, including its territories and possessions. Questions regarding the DOT SBIR Program should be addressed to the following:

DOT/SBIR Program Office, DTS-22
U.S. Department of Transportation
Research & Special Programs Administration
Volpe National Transportation Systems Center
55 Broadway, Kendall Square
Cambridge, Massachusetts 02142-1093
ATTN: DOT SBIR Program Director
Telephone: (617) 494-2051 FAX: (617) 494-2497

(c) If a negative response is received from the contractor, subcontractor, or union representative and the items are still critical, the contracting officer shall seek advice from the COCO and the DOT labor coordinator on the next action to be taken. It may also become necessary to seek advice or assistance from the National Office of the Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, DC, 20006, or other mediation agency.

1222.103 Overtime.

1222.103-4 Approvals.

(a) An official at least one supervisory level above the contracting officer is designated to sign the D&F required by (FAR) 48 CFR 22.103-4 unless a higher level is specified in OA procedures. The D&F shall be written, in the format of Appendix A, and placed in the contract file.

SUBCHAPTER 1222.3--CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

1222.302 Liquidated damages and overtime pay.

(c) The authority of the head of the agency under (FAR) 48 CFR 22.302(c) is delegated to the contracting officer.

(d) If the contractor is entitled to funds withheld or collected for liquidated damages, the contracting officer shall instruct the finance office to pay the contractor the amount due. If the Government is entitled to retain funds, the contracting officer shall dispose of the funds in accordance with the instructions of the cognizant finance office. The contractor shall be provided with a written decision on the disposition of funds withheld and the basis for the decision.

SUBCHAPTER 1222.4--LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

1222.404 Davis-Bacon Act wage determinations.

1222.404-6 Modifications of wage determinations.

(b)(6) The authority of the agency head under (FAR) 48 CFR 22.404-6(b)(6) is delegated to the contracting officer.

1222.404-10 Posting wage determinations and notice.

The contracting officer shall mail a copy of DOL Publication WH-1321 along with the executed copy of the contract to the contractor. Copies of the poster may be obtained by writing to the Department of Labor, 200 Constitution Avenue, N.W., Washington, DC, 20210, Attn: Wage and Hour-ESA, Room S3018.

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1222.406 Administration and enforcement.

1222.406-2 Wages, fringe benefits, and overtime.

(b) The contracting officer shall submit the information required by (FAR) 48 CFR 22.406-2(b)(2) to the Administrator, Wage and Hour Division, DOL. The contracting officer shall advise interested parties of DOL's determination within ten working days after receipt of the determination.

1222.406-8 Investigations.

(d) *Contracting officer's report.* The authority of the agency head under (FAR) 48 CFR 22.406-8(d) is delegated to the COCO. The contracting officer shall use Form DOT F 4220.8, Summary of Underpayments, to support the total number of employees cited on SF 1446, Labor Standards Investigation Summary Sheet.

1222.406-9 Withholding from or suspension of contract payments.

(c) *Disposition of contract payments withheld or suspended.*

(4) *Liquidated damages.* If the contractor is entitled to funds withheld or collected for liquidated damages, the contracting officer shall instruct the finance office to pay the contractor the amount due. If the Government is entitled to retain funds, the contracting officer shall dispose of the funds in accordance with the instructions of the cognizant finance office. The contractor shall be provided with a written decision on the disposition of the funds withheld and the basis for the decision.

1222.406-13 Semiannual enforcement reports.

(a) The Headquarters of each DOT OA shall submit the semiannual report to M-60 by April 25 and October 25 of each calendar year. Negative responses are required.

(b) An original and one copy of each report shall be submitted in the Appendix B format, in accordance with the instructions thereon.

SUBCHAPTER 1222.6--WALSH-HEALEY PUBLIC CONTRACTS ACT

1222.604 Exemptions.

1222.604-2 Regulatory exemptions.

(c) The authority of the agency head under (FAR) 48 CFR 22.604-2(c)(1) is delegated as follows:

- (1) For specific contracts, to the HCA; and
- (2) For classes of contracts, to the SPE.

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CHAPTER 1225

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CHAPTER 1225

FOREIGN ACQUISITION

SUBCHAPTER 1225.1--BUY AMERICAN ACT--SUPPLIES

1225.102 Policy.

(a)(3) The authority of the agency head under (FAR) 48 CFR 25.102(a)(3) is delegated to the HOA.

(b)(2) The authority of the HCA under (FAR) 48 CFR 25.102(b)(2) is delegated to the COCO.

1225.105 Evaluating offers.

The authority of the agency head under (FAR) 48 CFR 25.105(a) and (c) is delegated to the COCO.

SUBCHAPTER 1225.2--BUY AMERICAN ACT--CONSTRUCTION MATERIALS

1225.202 Policy.

The authority of the agency head under (FAR) 48 CFR 25.202(a)(2) is delegated to the COCO.

1225.203 Evaluating offers.

(a) The authority of the head of the concerned agency under (FAR) 48 CFR 25.203(a) is delegated to the COCO.

(b) The authority of the agency head under (FAR) 48 CFR 25.203(b) is delegated to the COCO.

1225.204 Violations.

The authority of the agency head under (FAR) 48 CFR 25.204 is delegated to the Assistant Secretary for Administration (M-1). Contracting officers shall comply with the procedures under Subchapter 1209.4 concerning debarment, suspension, and ineligibility of a contractor.

SUBCHAPTER 1225.3--BALANCE OF PAYMENTS PROGRAM

1225.302 Policy.

(b) The authority of the agency head under (FAR) 48 CFR 25.302(b)(2) and (3) is delegated to the contracting officer.

(c) The authority of the agency head under (FAR) 48 CFR 25.302(c) is delegated to the COCO.

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1225.304 Excess and near-excess foreign currencies.

(a) M-60 will distribute, as necessary, OMB Bulletins containing a listing of the countries for which the United States holds currencies.

(c) The authority of the agency head under (FAR) 48 CFR 25.304(c) is delegated to the HCA. This authority may not be redelegated below the HCA level.

I SUBCHAPTER 1225.4--TRADE AGREEMENTS

1225.402 Policy.

(a)(1) M-60 will distribute, as necessary, Federal Register issuances which contain the dollar thresholds set by the U.S. Trade Representative for application of the Trade Agreements Act. The current dollar thresholds are \$190,000 for supply and services contracts and \$7,311,000 for construction contracts, and were effective on January 1, 1996.

SUBCHAPTER 1225.9--ADDITIONAL FOREIGN ACQUISITION CLAUSES

1225.901 Omission of audit clause.

(c) *Conditions for use of Alternate III.* The authority of the agency head under (FAR) 48 CFR 25.901(c)(1) and (2) is delegated to the HCA. This authority cannot be redelegated below the HCA level.

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BONDS AND INSURANCE

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CHAPTER 1228

BONDS AND INSURANCE

SUBCHAPTER 1228.1--BONDS

1228.101 Bid guarantees.

1228.101-1 Policy on use.

(c) The authority of the agency head under (FAR) 48 CFR 28.101-1(c) is delegated to the HCA.

1228.105 Other types of bonds.

The authority of the HCA under (FAR) 48 CFR 28.105 is delegated to the contracting officer.

1228.106 Administration.

1228.106-2 Substitution of surety bonds.

(a) The authority of the HCA under (FAR) 48 CFR 28.106-2(a) is delegated to the contracting officer.

1228.106-6 Furnishing information.

(c) The authority of the head of the agency under (FAR) 48 CFR 28.106-6(c) is delegated to the contracting officer.

SUBCHAPTER 1228.2--SURETIES

1228.202 Acceptability of corporate sureties.

(d) Treasury Circular 570 is published annually on July 1. Interim changes are published in the Federal Register as they occur and may be obtained at the address shown in (FAR) 48 CFR 28.202(d) or through the Department of Treasury Bulletin Board system at (202) 874-7214.

1228.203 Acceptability of individual sureties.

(g) Contracting officers shall refer evidence of possible criminal or fraudulent activities by an individual surety to legal counsel for review and further action.

1228.203-7 Exclusion of individual sureties.

The authority of the agency head under (FAR) 48 CFR 28.203-7(a) and (d) is delegated to the HCA.

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1228.204 Alternatives in lieu of corporate or individual sureties.

1228.204-370 Irrevocable letters of credit (ILC).

OFPP Policy Letter 91-4 dated November 8, 1991, authorizes the use of irrevocable letters of credit, in lieu of sureties, on Federal construction contracts requiring Miller Act bonds. OFPP Pamphlet No. 7, "Guidance for Implementing Policy Letter 91-4," is available from the OMB, Office of Publications, at (202) 395-7332. The pamphlet includes a listing of services provided by bank rating companies, responsibilities of the Government and its contractors, as well as sample letters of credit forms.

SUBCHAPTER 1228.3--INSURANCE

1228.305 Overseas workers' compensation and war hazard insurance.

(d) The authority of the agency head under (FAR) 48 CFR 28.305(d) is delegated to the HCA.

1228.311-1 Contract clause.

The authority to waive the requirement for use of (FAR) 48 CFR 52.228-7, Insurance Liability to Third Persons, in solicitations and contracts, other than those for construction and when a cost reimbursement contract is contemplated, is delegated to one level above the contracting officer.

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CHAPTER 1232

CONTRACT FINANCING

SUBCHAPTER 1232.006--REDUCTION OR SUSPENSION OF CONTRACT PAYMENTS UPON FINDING OF FRAUD

1232.006-3 Responsibilities.

(a) The authority to develop specific procedures under (FAR) 48 CFR 32.006-3(a) is delegated to the DOT Office of Inspector General.

1232.006-4 Procedures.

(a) The remedy coordination official for DOT is the Inspector General.

SUBCHAPTER 1232.1--NON-COMMERCIAL ITEM PURCHASE FINANCING

1232.102 Description of contract financing methods.

(e)(2) Progress payments based on a percentage or stage of completion are authorized only under contracts for construction, alteration, and repair, shipbuilding, and architect-engineering. Contracting officers shall ensure that the payments are commensurate with the work and that the work meets the requirements of the contract. When contracting officers propose to make these types of payments under other contracts, a written D&F in the format of Appendix A shall be signed by the HCA. The D&F must indicate the reasons why progress payments based on costs cannot be practically used and why it is feasible to administer progress payments based on a percentage or stage of completion.

1232.105 Uses of contract financing.

(a)(2) DOT is not listed under (FAR) 48 CFR Part 32 as a loan guaranteeing agency; therefore, the exceptions under (FAR) 48 CFR 32.105(a) do not apply to DOT.

SUBCHAPTER 1232.2--COMMERCIAL ITEM PURCHASE FINANCING

1232.206 Solicitation provisions and contract clauses.

(g) The authority to develop agency procedures under (FAR) 48 CFR 32.206 is delegated to the HCA.

(g)(2) The authority to develop agency procedures under (FAR) 48 CFR 32.206 is delegated to the HCA.

I SUBCHAPTER 1232.4--ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

1232.402 General.

(c)(1)(iii)(A) When the proposed advance payment will be \$500,000 or less, the authority of the agency head under (FAR) 48 CFR 32.402(c)(1)(iii)(A) is delegated

to the contracting officer. When the advance payments will be over \$500,000, the authority is delegated to the COCO.

(c)(1)(iii)(B) When the proposed advance payment will be \$50,000 or less, the authority of the agency head under (FAR) 48 CFR 32.402(c)(1)(iii)(B) is delegated to the contracting officer. When the proposed advance payment will be over \$50,000, the authority is delegated to the DOT Board of Contract Appeals (DOTBCA). The contracting officer shall make a recommendation for approval or disapproval to the DOTBCA (S-20).

(e)(2) When the contracting officer proposes to provide advance payments to a contractor, the requisitioning office, legal counsel, and finance office shall be consulted prior to writing the D&F required by (FAR) 48 CFR 32.402(c)(1)(iii). The D&F shall be written in the format of (FAR) 48 CFR 32.410.

1232.404 Exclusions.

(a)(9) Unless otherwise approved by M-60, no other types of transactions are excluded from the requirements of (FAR) 48 CFR Subpart 32.4.

1232.407 Interest.

(d) Contracting officers are authorized, subject to the approval of the appropriate official shown below, only to exclude interest from advance payments on the contracts listed under (FAR) 48 CFR 32.407(d). The authority of the agency head under (FAR) 48 CFR 32.407(d) is delegated as follows:

(1) To the contracting officer, when no interest will be charged on advance payments of \$500,000 or less under the authority of (FAR) 48 CFR 32.402(c)(1)(iii)(A);

(2) To the COCO, when no interest will be charged on advance payments over \$500,000 under the authority of (FAR) 48 CFR 32.402(c)(1)(iii)(A);

(3) To the contracting officer, when no interest will be charged on advance payments of \$50,000 or less under the authority of (FAR) 48 CFR 32.402(c)(1)(iii)(B); and

(4) To the DOTBCA, when no interest will be charged on advance payments over \$50,000 under the authority of (FAR) 48 CFR 32.402(c)(1)(iii)(B).

1232.409 Contracting officer action.

1232.409-1 Recommendation for approval.

After review by counsel, the D&F and the other items mentioned under (FAR) 48 CFR 32.409-1 shall be forwarded through appropriate channels to the approving official (see TAM 1232.402) for review and approval. Contracting officers shall also discuss the proposed payments with the applicable finance office to ensure compliance with all Department of Treasury regulations governing these payments.

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1232.703-3 Contracts crossing fiscal years.

(b) The authority of the agency head under (FAR) 48 CFR 32.703-3(b) is delegated to the COCO with further authority to redelegate.

1232.770 Volpe National Transportation Systems Center Working Capital Fund.

(a) 49 U.S.C. 328 authorizes a DOT Working Capital Fund for the Volpe National Transportation System Center (VNTSC), Cambridge, MA).

(b) The fund is reimbursed or credited with advanced payments from applicable funds or appropriations of DOT and other agencies, and with advance payments from other sources, the Secretary authorizes for:

(1) Services at rates that will recover the expenses of operation, including the accrual of annual leave and overhead; and

(2) Acquiring property and equipment.

(c) The amounts in the fund are available without regard to fiscal year limitation. However, DOT and other agency officials authorized to execute General Working Agreements or other agreements with VNTSC must insure that these agreements cite any appropriation restrictions (e.g., two year availability of funds, funds earmarked for special programs, etc.). The VNTSC must comply with these restrictions or limitations.

SUBCHAPTER 1232.8--ASSIGNMENT OF CLAIMS

1232.802 Conditions.

(e)(1) The contracting officer is the designated recipient of the document referred to under (FAR) 48 CFR 32.802(e)(1).

1232.803 Policies.

(d) By memorandum dated October 3, 1995, the President delegated the authority to determine whether to include a no-setoff commitment in any contract, except a contract under which full payment has been made, to the head of the agency. In addition, the memorandum stated that the authority could be further delegated. Therefore, the authority of the head of the agency under (FAR) 48 CFR 32.803(d) is delegated to the HCA with further authority to redelegate.

SUBCHAPTER 1232.9--PROMPT PAYMENT

1232.903 Policy.

(a) The authority of the agency head under (FAR) 48 CFR 32.903 is delegated to the contracting officer.

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(b) It is DOT policy to pay invoices in accordance with the requirements of the Prompt Payment Act, as implemented by the FAR and the payment terms and conditions set forth in the contract. Any additional DOT standards for establishing due dates are prescribed in the appropriate (TAR) 48 CFR or TAM paragraph which corresponds to the applicable (FAR) 48 CFR paragraph. Prior to including a payment clause in a solicitation or contract that will require payments to be made earlier than those specified in the Prompt Payment Act, contracting officers shall consult with their cognizant finance office.

1232.904 Responsibilities.

The authority of the agency head under (FAR) 48 CFR 32.904 is delegated to the Assistant Secretary for Administration (M-1).

1232.905 Invoice payments.

(c)(1) The contracting officer's justification for extending the due date beyond the 14 days for payments on construction contracts shall be approved at one supervisory level above the contracting officer. Under no circumstances shall the extended date exceed the periods specified under (FAR) 48 CFR 32.905.

1232.906 Contract financing payments.

The authority of the agency head under (FAR) 48 CFR 32.906 is delegated to M-1.

SUBCHAPTER 1232.11--ELECTRONIC FUNDS TRANSFER

1232.1101-70 Policy.

DOT has established with the Department of Treasury Regional Financial Center, Kansas City, MO, an electronic communication connection for payments via the Automated Clearinghouse (ACH) (a nationwide electronic payments network).

SUBCHAPTER 1232.70--CONTRACT PAYMENTS

1232.7000 Scope of subchapter.

This subchapter prescribes policies and procedures for the submission, review, and approval of payments under cost-reimbursement, time-and-materials, and labor-hour contracts and orders as defined under (FAR) 48 CFR Part 16.

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CHAPTER 1233

PROTESTS, DISPUTES, AND APPEALS

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CHAPTER 1233

PROTESTS, DISPUTES, AND APPEALS

SUBCHAPTER 1233.1--PROTESTS

1233.104 Protests to GAO.

(a) *General procedures.* The HCA has the responsibility to prepare and provide to the General Accounting Office (GAO) the agency report with the information required by (FAR) 48 CFR 33.104(a). The agency report shall be coordinated with legal counsel before the report is signed and sent to GAO.

(b) *Protests before award.* The authority of the HCA under (FAR) 48 CFR 33.104(b) is nondelegable. The HCA has the responsibility to prepare and provide to GAO the written finding with the information required by (FAR) 48 CFR 33.104(b)(1). The written finding shall be coordinated with legal counsel before the HCA affirms its approval by signing the written finding and sending it to GAO. A copy of the signed written finding and the signed written notice to GAO shall be provided to the SPE within 2 working days after they are sent to GAO. In addition, the applicable Congressional and public affairs offices shall be informed of this action in accordance with OA policies and procedures.

(c) *Protests after award.* The authority of the HCA under (FAR) 48 CFR 33.104(c) is nondelegable. The HCA has the responsibility to prepare and provide to GAO the written finding with the information required by (FAR) 48 CFR 33.104(c)(2). The written finding shall be coordinated with legal counsel before the notice is signed by the HCA and sent to GAO.

(g) *Notice to GAO.* The authority of the head of the agency under (FAR) 48 CFR 33.104(g) is nondelegated. The written notice shall be coordinated with legal counsel before the notice is signed by the HCA and sent to GAO. A copy of all notices to GAO submitted in accordance with (FAR) 48 CFR 33.104(g) shall be provided to the SPE within 2 working days after they are sent to GAO.

SUBCHAPTER 1233.2--DISPUTES AND APPEALS

1233.203 Applicability.

(b) The authority of the agency head under (FAR) 48 CFR 33.203(b) is delegated to the HCA.

1233.212 Contracting officer's duties upon appeal.

Upon receipt of notice of appeal by a contractor, the contracting officer will notify OA legal counsel, who will appoint an attorney to represent the Government before the DOT BCA (S-20). The DOT BCA procedures are contained in 48 CFR Chapter 63.

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1233.213 Obligation to continue performance.

The contracting officer shall use the clause at (FAR) 48 CFR 52.233-1, Disputes, with its Alternate I, where continued performance is vital to national security, the public health and welfare, critical/major agency programs, or other essential supplies or services whose timely reprocurement from other sources would be impractical.

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CHAPTER 1236

CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

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CHAPTER 1236

CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

SUBCHAPTER 1236.2--SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

1236.201 Evaluation of contractor performance.

(a)(4) The authority of the HCA under (FAR) 48 CFR 36.201(a)(4) is retained by the HCA.

(c)(1) Performance reports shall be distributed in accordance with OA procedures.

1236.203 Government estimate of construction costs.

(a) The Government estimate shall be designated "For Official Use Only" unless the nature of the information therein requires a security classification, in which event it shall be handled in accordance with applicable security regulations. The "For Official Use Only" designation shall be removed only when the estimate is made public in accordance with the instructions below.

(b) If the acquisition is by sealed bidding, a sealed copy of the detailed Government estimate shall be filed with the bids until bid opening. After the bids are read and recorded, the "For Official Use Only" designation shall be removed and the estimate shall be read and recorded in the same detail as the bids.

(c) If the acquisition is by negotiation, the following procedures apply:

(1) The overall amount of the Government estimate shall not be disclosed prior to award;

(2) At the time of award, the "For Official Use Only" designation on the Government estimate shall be removed; and

(3) After award, the Government estimate may be revealed, upon request.

1236.206 Liquidated damages.

Liquidated damages provisions are generally appropriate in construction contracts in accordance with the provisions of (FAR) 48 CFR Subpart 11.502.

1236.208 Concurrent performance of firm-fixed-price and other types of construction contracts.

The authority of the HCA under (FAR) 48 CFR 36.208 is delegated to the COCO.

1236.209 Construction contracts with architect-engineer firms.

The authority of the agency head under (FAR) 48 CFR 36.209 is delegated to the HCA or designee no lower than flag officer or SES level. The restriction against

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awarding a construction contract to the architect-engineer (A-E) firm that designed the project, or its subsidiaries or affiliates, applies to unsolicited proposals as well as those solicited by the Government.

1236.212 Preconstruction orientation.

(b) Form DOT F 4220.3 entitled "Preconstruction Conference Agenda and Checklist," or a similar checklist, shall be used as the agenda of, or checklist for, the preconstruction conference.

1236.212-70 Contracting with the National Institute of Building Sciences.

(a) The National Institute of Building Sciences (NIBS) was chartered in 1974 to provide advice to the public and private sectors on issues involving new building technology and the building regulatory process. Pub. L. 93-383, Housing and Community Development Act of 1974, specifically authorizes agencies to contract with and accept contracts from the NIBS for specific services where deemed appropriate by the responsible Federal officials involved. NIBS provides assistance or advice on building-related matters by processing:

(1) On-line databases on current developments in building science and technology in areas such as architecture and engineering, products and materials, health and safety, and codes and standards; and

(2) Information pertaining to asbestos in public buildings and lead-based paint poisoning, energy efficiency in offices and industrial buildings, and seismic safety of buildings.

(b) Section 809(g)(3) of Pub. L. 93-383 expressly authorizes agencies and departments to contract with NIBS. In this regard, the exception to full and open competition at (FAR) 48 CFR 6.302-5 may be used, if the contracting officer determines this to be an appropriate exception, to award such contracts. However, the exception to full and open competition at (FAR) 48 CFR 6.302-1 should be used when it is determined that NIBS, because of its unique capabilities and charter, is the only source that will satisfy the requirement.

(c) The synopsis requirements at (FAR) 48 CFR 5.2 are applicable unless a waiver is granted pursuant to (FAR) 48 CFR 5.202(b).

(d) Further information concerning the services offered by NIBS may be obtained by writing to NIBS at 1201 L Street, N.W., Washington, DC, 20005, or by telephoning (202) 289-7800.

1236.213-70 Report of proposed Federal construction.

(a) Section 1.4 of the Davis-Bacon Procedural Rules, 29 CFR Part 1, Procedures for Predetermination of Wage Rates, requires agencies using wage determinations under the Davis-Bacon Act, among other statutes, to furnish the Administrator, Department of Labor (DOL), a general outline of its proposed construction programs for the coming year indicating the estimated number of projects for which wage determinations will be required, the anticipated types of construction, and the locations of construction.

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(b) OAs shall use Form DOT F 1253.303-DOL-1671, Report of Proposed Federal Construction, to fulfill the requirements of TAM 1236.213-70(a). The report shall be submitted to M-60 not later than March 30 of each fiscal year. M-60 will consolidate all of the OA reports for transmittal to DOL. Negative reports are required.

SUBCHAPTER 1236.3--SPECIAL ASPECTS OF SEALED BIDDING IN CONSTRUCTION CONTRACTING

1236.302 Presolicitation notices.

The authority of the HCA under (FAR) 48 CFR 36.302(a) is delegated to the COCO.

SUBCHAPTER 1236.6--ARCHITECT-ENGINEER SERVICES

1236.602 Selection of firms for architect-engineer contracts.

1236.602-1 Selection criteria.

(b) The authority of the agency head under (FAR) 48 CFR 36.602-1(b) is delegated to the COCO.

1236.602-2 Evaluation boards.

The COCO shall establish an ad hoc A-E evaluation board for each acquisition of A-E services. For A-E acquisitions exceeding the simplified acquisition threshold, the following requirements apply in addition to those set forth in (FAR) 48 CFR 36.602-2:

(a) The A-E evaluation board shall be composed of the following members:

(1) One member with experience in acquisition of A-E services (normally the contracting officer or contract specialist/negotiator);

(2) One or more members with technical experience in the fields of architecture, engineering or construction (normally someone from the organization responsible for establishing the A-E work requirements);

(3) One member with technical knowledge of the functional (user) requirements of the project; and

(4) Other special members as are deemed necessary.

(b) A-E board members may be appointed from among highly qualified professional employees of other Government agencies or the private sector who are engaged in the practice of architecture, engineering, construction, or related professions.

1236.602-3 Evaluation board functions.

The authority of the HCA under (FAR) 48 CFR 36.602-3 is retained by the HCA.

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I (a) For A-E acquisitions exceeding the simplified acquisition threshold, the A-E evaluation board shall perform the following functions in addition to, or in combination with, those of (FAR) 48 CFR 36.602-3, and in the sequence indicated:

(1) Analyze the nature and scope of the project work requirements.

(2) Develop the evaluation criteria and rating systems to be used in screening firms for the pre-selection list and in the final selection. The screening criteria should be based on information provided by the SFs 254 and 255.

(3) Prepare the public announcement (see (FAR) 48 CFR 5.205(d)) for the project and provide it to the contracting officer for publication.

(4) Screen the SFs 254 and 255 and any other qualification data received in response to the public announcement of the project and prepare a pre-selection list of the best qualified firms for further consideration. The preselection list must consist of at least three firms.

(5) When appropriate, obtain in writing more specific and detailed qualification, experience and past performance data (see (FAR) 48 CFR 36.602-1(a)) not provided by the SFs 254 and 255 which are needed to evaluate the firms using the established selection criteria. The firms should also be provided with a description of the nature and the scope of work to be accomplished to assist them in their responses. The A-E firms shall be advised not to submit price proposals, design sketches, drawings or design data at the time the qualification and past performance information is submitted.

(6) Conduct interviews with the firms on the preselection list. As part of the interview, the A-E firms shall be given an opportunity to make an oral presentation of their qualifications and experience, proposed project approach and any other relevant data. The project manager and other key project personnel and consultants proposed by a firm should participate in the interview.

(7) Whenever it is practical and advantageous, the A-E evaluation board should visit the offices of the A-E firms on the preselection list to inspect their facilities and work environments, to meet members of the proposed project team, and to see both work in progress and additional examples of completed projects.

(8) Review the SFs 254 and 255 and other experience and qualification data for each firm on the preselection list, and perform a systematic numerical evaluation rating of the firms.

(9) Develop a rank order listing of at least three firms considered most highly qualified to perform the required work, based on the numerical evaluation ratings of the firms on the preselection list.

(10) Prepare a report which shall include in sufficient detail:

(i) The extent of the board's review and evaluation;

- (ii) The list described in paragraph (i) of this section;
- (iii) Recommendations; and
- (iv) Considerations on which the recommendations are based.

(d) The authority of the agency head under (FAR) 48 CFR 36.602-3(d) is delegated to the COCO.

1236.602-4 Selection authority.

(a) The authority of the agency head under (FAR) 48 CFR 36.602-4(b) is delegated to the COCO.

(b) The recommendations of the evaluation board will normally be approved, unless the report does not adequately support the recommendations. If recommendations are not approved, the A-E evaluation board shall be required to reconvene until an acceptable set of recommendations is agreed upon. The approved report shall serve as authorization for the contracting officer to commence negotiations with the A-E firm ranked number one by the A-E evaluation board.

1236.602-5 Short selection process for contracts not to exceed the simplified acquisition threshold.

OAs are authorized to use either of the short selection processes of (FAR) 48 CFR 36.602-5.

(b) *Selection by the chairperson of the board.* The authority of the agency head under (FAR) 48 CFR 36.602-5(b)(2) is delegated to the COCO.

1236.603 Collecting data on and appraising firms' qualifications.

Because it is DOT policy to establish ad hoc evaluation boards instead of a permanent board to select A-E firms, each OA shall establish or designate an office or offices to meet the requirements of (FAR) 48 CFR 36.603(a).

1236.604 Performance evaluation.

(a)(5) The authority of the HCA under (FAR) 48 CFR 36.604(a)(5) is retained by the HCA.

(c) Performance reports shall be distributed in accordance with OA procedures.

1236.606 Negotiations.

1236.606-70 General.

The limitation on A-E fees of six percent of the estimated construction cost (see (FAR) 48 CFR 15.903(d)) applies to all services that are an integral part of the production and delivery of plans, designs, drawings and specifications of a construction project. The limitation, however, does not apply to the cost of

investigative and other services including but not limited to the following:

- (a) Development of program requirements (scope of work);
- (b) Determination of project feasibility;
- (c) Preparation of drawings of an existing facility, where current drawings are not available;
- (d) Subsurface investigations (soil borings);
- (e) Structural, electrical and mechanical investigations of an existing building, where current information is not available;
- (f) Surveys: topographic, boundary, utility;
- (g) Preparation of models, color renderings, photographs or other presentation materials;
- (h) Travel and per diem for special presentations;
- (i) Supervision and inspection of construction;
- (j) Preparation of operating and maintenance manuals; and
- (k) Master planning.

1236.609 Contract clauses.

1236.609-1 Design within funding limitations.

(c) The authority of the HCA under (FAR) 48 CFR 36.609-1(c) is delegated to the COCO.

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CHAPTER 1237

SERVICE CONTRACTING

SUBCHAPTER 1237.1--SERVICE CONTRACTS--GENERAL

1237.106 Funding and term of service contracts.

(b) The authority of the agency head under (FAR) 48 CFR 37.106(b) is delegated to the COCO with further authority to redelegate.

1237.112 Government use of private sector temporaries.

(a) *Definitions.* The following words and terms are used in and defined for this subsection.

"Critical need" means a sudden or unexpected occurrence; an emergency; a pressing necessity; or an exigency. Such occasions are characterized by additional work or deadlines required by statute, executive order, court order, regulation, or formal directive from the Secretary of Transportation or designee. A recurring, cyclical peak workload, by itself, is not a critical need.

"Federal supervisor" means an individual employed by DOT to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment.

"Parental and family responsibilities" means situations such as absence for pregnancy, childbirth, child care, and care for elderly or infirm parents or other dependents.

"Temporaries" means those employees of a temporary help service firm who are supervised and paid by that firm and whom that firm assigns to perform the contract work assignments.

"Temporary help service firm" means a contractor which provides services that are performed by its pool of employees possessing the appropriate work skills for brief or intermittent periods. The firm is the legally responsible employer and maintains that relationship during the time its employees are assigned to the contract. The firm recruits, tests, hires, trains, assigns, pays, provides benefits and leave to, and as necessary, addresses performance problems, disciplines, and terminates its employees. The firm is responsible for payroll deductions and payment of income taxes, social security (FICA), unemployment insurance, and worker's compensation, and any required liability insurance and bonding.

(b) *Policy.* Temporary help services may be acquired for the brief or intermittent use of the skills of private sector temporaries. The acquisition of these services are subject to the following conditions:

(1) The temporary will be performing the work of an employee who will be absent from the position for a temporary period (short-term) because of a personal need including emergency, accident, illness, parental or family responsibilities, or mandatory jury service.

(2) In the judgment of the head of the requesting office, the temporary help is for a critical need which cannot be delayed.

(c) *Exceptions.* Temporary help services cannot be acquired--

(1) To displace a Federal employee;

(2) For the work of managerial or supervisory positions;

(3) For the work of or to fill an SES employee or position; or

(4) To circumvent the regular recruitment and hiring procedures under the civil service laws for permanent appointment in the competitive civil service.

(d) *Certification of need.* The requirements office must submit Appendix A, Checklist for Private Sector Temporary Personnel, with the procurement request (PR) for temporary help services. The entire checklist must be completed or the contracting officer shall reject the PR.

(e) *Acquisition and contract requirements.* The contracting officer shall comply, as applicable, with all of the policy and procedures of the FAR to acquire temporary help services by contract. The following limitations apply:

(1) The contract shall not create or imply an employer-employee relationship between the Government and the contractor's temporary, and the temporary shall not be eligible for civil service employee benefits, including retirement; and

(2) The contract shall not require that a temporary at an office within its local commuting area (as defined by the OA's personnel office) work for more than 45 workdays in a 6-month period. However, if the Government employee's absence or DOT critical need continues to exist, the contractor must provide a different temporary to continue the work, and the replacement temporary must be provided by the close of the 45th workday. To avoid the appearance of an employer-employee relationship, a temporary cannot work on one job assignment for more than 120 days.

(f) *Extended services.*

(1) *Approval by the Office of Personnel Management (OPM).* If the requiring office desires to retain the services of the same temporary beyond 45 workdays or needs to use a temporary beyond the 120 days, the requiring office must submit information to its personnel office for appropriate action. This information shall be submitted in time for the personnel office to obtain approval from the OPM office which covers the site where the work is being performed. OPM should receive the notification at least 7 to 10 days before the 120-day maximum period expires. The information required for submission is:

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CHAPTER 1242

CONTRACT ADMINISTRATION

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CHAPTER 1242

CONTRACT ADMINISTRATION

SUBCHAPTER 1242.1--INTERAGENCY CONTRACT ADMINISTRATION AND AUDIT SERVICES

1242.101 Policy.

(a) On a yearly basis, DOT negotiates a cross-servicing arrangement for contract administration or audit services with the following agencies:

(1) Defense Contract Audit Agency (DCAA), Alexandria, VA 22304-6178;

(2) Office of the Inspector General, Department of Health and Human Services (HHS), Washington, DC 20201; and

(3) Office of the Inspector General, Environmental Protection Agency (EPA), Washington, DC 20460.

(4) Defense Logistics Agency, Defense Contract Management Command (DCMC), Alexandria, VA 22304-6100.

1242.102 Procedures.

(b) Contracting offices shall follow the procedures of the Memorandum of Understanding (MOU) dated December 3, 1996, between the Department of Transportation and the Defense Contract Audit Agency. The MOU will be amended annually, as necessary.

SUBCHAPTER 1242.2--ASSIGNMENT OF CONTRACT ADMINISTRATION

1242.201 Definition.

The following definitions apply:

"Contract Administration Office (CAO)" is the contracting office of the contracting officer who awarded the contract, or the office assigned or delegated the functions under (FAR) 48 CFR 42.302 or (FAR) 48 CFR 42.202(c).

"Administrative Contracting Officer (ACO)" means the individual in the CAO who is assigned to perform functions under (FAR) 48 CFR 42.302 or those functions delegated by the CAO in accordance with (FAR) 48 CFR 42.202(c).

1242.202 Assignment of contract administration.

(c) *Delegating additional functions.*

(2) The authority of the HCA under (FAR) 48 CFR 42.202(c)(2) is delegated to the COCO.

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SUBCHAPTER 1242.6--CORPORATE ADMINISTRATIVE CONTRACTING OFFICER

1242.602 Assignment and location.

The authority of the agency head under (FAR) 48 CFR 42.602(a) is delegated to the HCA or designee no lower than flag officer or SES level.

SUBCHAPTER 1242.7--INDIRECT COST RATES

1242.703 Policy.

DOT normally relies on the indirect cost rates established by DCAA and HHS unless the DOT Office of Inspector General (IG) and DCAA mutually agree that the IG or another agency will be the cognizant audit agency.

1242.705 Final indirect cost rates.

1242.705-1 Contracting officer determination procedure.

(a) Applicability and responsibility.

(3) When the business units are not included in (FAR) 48 CFR 42.705-1(a)(1) or (2), the ACO of the contract is the contracting officer responsible for obtaining or negotiating a rate as follows:

(i) If contract quick-closeout procedures are used, negotiate the rate using the guidance under (FAR) 48 CFR 42.704; and/or

(ii) Request assistance from the DOT IG, in accordance with DOT Order 8000.7 series, as may be implemented by OA procedures.

(b) Procedures.

(1) Contracting officers shall require the contractor to submit a copy of the contractor's final indirect cost rate proposal to the cognizant auditor.

1242.705-3 Educational institutions.

(b) Predetermined final indirect cost rates.

(3) The HCA is the level of approval for use of a predetermined final indirect cost rate under a contract with an educational institution when the conditions under (FAR) 48 CFR 42.705-3(b)(3) apply.

1242.708 Quick-closeout procedure.

I (a)(2)(ii) Contracting officers may use the quick-closeout procedures for the settlement of indirect costs under contracts when the estimated amount (excluding any fixed fee) of the contract is \$3 million or less.

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SUBCHAPTER 1242.8--DISALLOWANCE OF COSTS.

1242.803 Disallowing costs after incurrence.

(b) Auditor receipt of vouchers.

(1) At the discretion of the contracting officer, the contract may authorize the contractor to send vouchers directly to the cognizant auditor. If this authority is granted, the auditor shall be advised to send the voucher to the contracting officer with a recommendation concerning approval, disapproval, or suspension of payment. The auditor shall not be allowed to approve and forward vouchers to the payment office or to suspend payment of questionable costs.

(2) The auditor shall not be allowed to issue the contractor a notice of contract costs suspended and/or disapproved.

(3)(ii) When the contractor files a claim for unreimbursed costs under the Disputes clause of the contract, contracting officers shall process the claim in accordance with OA procedures.

SUBCHAPTER 1242.14--TRAFFIC AND TRANSPORTATION MANAGEMENT

1242.1401 General.

(b) Contracting officers shall contact their local or OA Headquarters transportation office for assistance concerning the tasks delineated under (FAR) 48 CFR 42.1401.

1242.1403 Shipping documents covering f.o.b. origin shipments.

(a) Contracting officers shall provide instructions in the contract to the contractor for obtaining a Government Bill of Lading (GBL). These instructions shall be coordinated with the local or OA Headquarters transportation office authorized to issue GBLs. To avoid delays in the shipment of items under the contract, the instructions shall require the contractor to provide the contracting officer with advance notification (in working days) of the need for the GBLs.

(b) When the contract authorizes the shipping costs to be shown as a separate item on the voucher/invoice, the contract shall reflect estimated shipping costs as a separate contract line item.

1242.1404 Shipments by parcel post or other classes of mail.

1242.1404-1 Parcel post eligible shipments.

(b)(1) The USCG is authorized under U.S. Postal Service Permit Imprint Number G-157, Agency Code 209, to use penalty indicia mail and may also authorize contractors to do so. However, contracting officers shall ensure that all contractor mailings are in accordance with the requirements described in paragraph 137.272 or Section 137.28 of the U.S. Postal Service Domestic Mail

Manual. All other OAs must submit a deviation request, in coordination with the OA's mail management office to: U.S. Postal Service, Official and International Mail Accounting Division, Office of Accounting, Washington, DC, 20260-5230.

1242.1500 Scope of subchapter.

This subchapter provides policies and procedures for evaluating, maintaining, and releasing contractor performance information under DOT contracts.

1242.1502 Policy.

The HCA is responsible for ensuring that a contractor performance evaluation system is established to meet the requirements of (FAR) 48 CFR 42.15. Consideration should be given to evaluating job orders, task orders and delivery orders which exceed \$100,000. Interim evaluations should be performed on contracts exceeding one year in duration. This will assist contractors with improving marginal performance and identifying any major deficiencies. It will also facilitate performance evaluations at contract completion, as well as determining whether to exercise contract options, if any. Performance evaluations should not be done if performance was completed prior to July 1, 1995.

1242.1503 Procedures.

(a) The COCO or designee shall determine who will evaluate contractors' performance. Contracting officer's technical representative, contract specialists or administrators, and users are candidates likely to be selected to perform the evaluation. An evaluation should be obtained from a person who monitored contractor performance when that individual's assignment of duties or employment terminates prior to physical completion of the contract. Appendix B or a like or similar format may be used to evaluate the contractor's performance. The areas of performance to be selected for evaluation should be tailored to the type of supplies or services normally acquired by the contracting activities and the type of contract. HCAs shall ensure uniformity of the evaluation criteria within their contracting activities.

(c) (FAR) 48 CFR 42.15 provides prohibitions on the release of the performance evaluations or information. Freedom of Information Act (FOIA) requests for copies of evaluations must be processed in accordance with FOIA, as implemented by DOT under 49 CFR Part 7 and any supplementing OA requirements (see TAM Chapter 1224). It is DOT's policy that all "non-Federal entities or personnel" are considered the public for the purpose of FOIA requests. When evaluation information is released to other Federal agencies, it should be provided with a written understanding that it is nonpublic information that must be evaluated under FOIA principles if a request for disclosure of the information is received.

(e) Even though the retention period for this source selection information is three years (see (FAR) 48 CFR 42.1503), the evaluation, any contractor rebuttal and OA decision becomes a part of the contract file. Therefore, disposal of the evaluation information must be accomplished in accordance with TAM 1204.805.

SUBCHAPTER 1242.70--CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE

1242.7000 Contract clause.

The Contracting Officer's Technical Representative (COTR) designation and contractor notification requirements referenced in (TAR) 48 CFR 1252.242-73 are contained in this subchapter.

1242.7001 Scope of subchapter.

This subchapter provides policy and procedures concerning the selection, certification, appointment, and termination of a COTR.

1242.7002 Selection.

Reserved.

1242.7003 Certification.

Reserved.

1242.7004 Appointment.

(a) Contracting officers may delegate technical representatives to perform certain functions during the term of the contract. These functions may include such things as inspecting, testing, accepting contract line items, surveilling the contractor's performance, controlling Government-furnished property, reviewing and recommending to the contracting officer approval/disapproval of vouchers/invoices, etc.

(b) When it is decided to assign a COTR to a contract, a letter of designation in a format substantially the same as Appendix A shall be addressed and sent to the person selected to serve as the COTR. The content of Appendix A should be modified to reflect the circumstances of the contract. A separate letter must be written for each contract, and must include the following information, as a minimum:

(1) Contracting officer's and contract specialist's/administrator's name and telephone number;

(2) Contract number;

(3) COTR's specific areas of responsibilities and authorities;

(4) COTR's specific limitations;

(5) Detailed description of the types of files and the content of the files to be maintained by the COTR;

(6) Emphasis on ethics, conflict of interest, and standards of conduct, including a copy of (FAR) 48 CFR Part 3, (TAR) 48 CFR Part 1203, TAM Chapter 1203, and other regulations, statutes, or directives governing these topics (e.g., 5 CFR Part 2635 Standards of Conduct);

(7) Emphasis on unauthorized contract commitments;

(8) A requirement that the COTR evaluate the contractor's performance within 30 days after the contractor has met all terms and conditions of the contract (see Appendix B); and

(9) A requirement that the COTR acknowledge receipt and acceptance of the letter and return it to the contracting officer.

(c) The contractor shall be notified of the COTR designation in writing, in a format substantially the same as Appendix C, and a copy of the COTR letter of appointment (Appendix A) also shall be provided to the contractor. The contracting officer shall provide the COTR with a copy of the COTR designation notification (Appendix C) that was sent to the contractor.

1242.7004-1 Limitations of a COTR.

(a) Contracting officers shall not delegate to the COTR the following authorities:

(1) The authority to issue task or delivery orders against a contract or any of the agreements defined under (FAR) 48 CFR Subpart 16.7;

(2) The authority to change any of the terms and conditions of a contract or any of the agreements defined under (FAR) 48 CFR Subpart 16.7;

(3) The authority to sign contracts or contract modifications;

(4) The authority to write letters to the contractor that will impact the cost or schedule of the contract. The authority to otherwise write letters to a contractor must require the COTR to send a copy of the letters to the contracting officer for the contract file;

(5) The authority to approve contractors' vouchers under cost-reimbursement contracts (however, the COTR may review the vouchers and make payment recommendations to the contracting officer). If the COTR is delegated the authority to review and approve invoices under fixed price contracts, the COTR must be required to submit to the contracting officer, a copy of the approved invoices and the documents which authorized the finance office to make payment; or

(6) The authority to commit the Government to any adjustments to the price or cost of the contract or order (e.g., the contracting officer must sign all prenegotiation and price negotiation memoranda including those which may be combined into one document for those adjustments valued at \$100,000 or less. The memorandum must contain the minimum information required by Appendix C of TAM 1215.8.

1242.7005 Termination.

(a) Contracting officers shall issue a Notice of Termination of Appointment in writing to the COTR. A copy of the letter (or a separate notice of termination of appointment) shall be provided to the contractor.

(b) COTRs may be terminated for reasons (not all inclusive) such as exceeding their authorities and limitations, conflicts of interest, unethical conduct, failure to perform, reassignment/resignation/retirement, and upon completion of the contract to which assigned.

APPENDIX A

Subj: Appointment as a Contracting Officer's Technical Representative

From: *(Insert name of contracting officer)*

To: *(Insert name of prospective COTR)*

You are hereby appointed as the Contracting Officer's Technical Representative (COTR) under Contract No. *(Insert number)* with the *(Insert the name(s) of the contractor(s))* for *(Describe the supplies, services, or construction being purchased)*. As the COTR, your primary duty is to monitor the contractor's performance to ensure that all of the technical requirements under the contract are met by the delivery date or within the period of performance, and at the price or within the estimated cost stipulated in the contract.

In the performance of the duties delegated to you in this letter, you are cautioned that you could be held personally liable for actions taken or directions given by you to the contractor that are beyond the authorities given to you in this letter. The duties or authorities in this letter are not delegable; therefore, you must advise the Contracting Officer, *(Insert name of Contracting Officer)* or the Contract Administrator/Specialist *(Insert name of Contract Administrator/Specialist)* immediately when you are unable to perform these duties.

Your duties and limitations, as applicable to the contract you will be monitoring, are as follows:

MONITORING PERFORMANCE.

Ensure that the contractor complies with all of the requirements of the statement of work, specifications, or performance work statement, and when requested by the contractor, provide technical direction to the contractor's technical manager. This technical assistance must be within the scope of the contract (e.g., interpreting specifications, statement of work, performance work statement, etc.). When a difference of opinion between you and the contractor occurs, notify the contracting officer or the contract administrator/specialist immediately for resolution.

Ensure that the personnel being used by the contractor are of the same caliber that was originally proposed by the contractor to the Government. The experienced personnel contracted for and/or approved by the Government should not be diluted by the use of personnel with less experience. However, you may not permit changes, substitutions, or additions to personnel. Any decrease in or lack of performance shall be brought to the attention of the contracting officer or contract administrator/specialist.

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CHAPTER 1246

QUALITY ASSURANCE

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CHAPTER 1246

QUALITY ASSURANCE

SUBCHAPTER 1246.3--CONTRACT CLAUSES

1246.316 Responsibility for supplies.

When the contracting officer deems it necessary, (48) CFR 52.246-6, Responsibility for Supplies, may be used in solicitations and contracts when the contract amount is not expected to exceed the simplified acquisition threshold.

SUBCHAPTER 1246.4--GOVERNMENT CONTRACT QUALITY ASSURANCE

1246.401 General.

(f) The contracting officer should ensure that inspection under DOT contracts is documented in accordance with TAM 1246.6.

SUBCHAPTER 1246.6--MATERIAL INSPECTION AND RECEIVING REPORTS

Each OA is authorized to use Form DOT F 4220.42, Material Inspection and Receiving Report, and Form DOT F 4220.42a, Continuation Sheet, or a form substantially similar if authorized in accordance with OA procedures.

SUBCHAPTER 1246.7--WARRANTIES

1246.702 General.

The following areas should also be addressed by all OAs in relation to the use of warranties in DOT contracts:

(a) Planning is an essential step in obtaining an effective warranty and should begin early enough to address warranty requirements during the development of the item. Therefore, consideration of warranty provisions and their impact shall be included within the comprehensive acquisition planning process required by (FAR) 48 CFR Part 7, (TAR) 48 CFR Part 1207, and TAM Chapter 1207.

(b) The acquisition cost of a warranty may be included as part of an item's price when cost or pricing data will clearly define cost of the warranty to the Government, or may be set forth as a separate contract line item.

(c) Each OA shall establish a tracking and enforcement system, as appropriate, to identify items covered, to provide information to Government personnel about enforcing the warranty provisions, and to accumulate data relative to warranty costs.

1246.703 Criteria for use of warranties.

Warranties should be obtained only when they are cost beneficial. To determine whether use of a warranty is cost beneficial, an analysis must be performed to compare the benefits to be derived from the warranty with its acquisition and administration costs. The analysis should examine the procurement's life cycle costs, both with and without a warranty. Where possible, a comparison should be made with the costs of obtaining and enforcing warranties for similar supplies or services. If a warranty is determined to be appropriate, the contract file shall be documented with the reason for inclusion of a warranty and identify the specific parts, subassemblies, systems or contract line item(s) on which a warranty should apply, and shall address why a warranty is appropriate under the criteria set forth in (FAR) 48 CFR 46.703.

1246.704 Authority for use of warranties.

The COCO shall approve the use of a warranty clause in acquisitions where warranty exceeding the standard industry practices is required.

1246.708 Warranties of data.

The contracting officer shall use the criteria under (FAR) 48 CFR 46.703 to determine whether data to be delivered under a contract should be warranted.

1246.710 Contract clauses.

(c)(1) The decision to include custom tailored warranties (i.e those that are over and above the contractor's standard trade practice) in a fixed priced construction contract shall be approved by the COCO.